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1774-1789

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PRINCIPAL CONTENTS

	Page
PREFATORY NOTE	v
FORM OF SEA LETTERS	1, 58, 390, 577, 608
RATIFICATION OF THE DEFINITIVE TREATY	5, 8, 23, 29, 34, 616
CONNECTICUT CLAIMS TO LANDS WEST OF THE DELAWARE	45, 280, 526, 603
REPRESENTATION IN CONGRESS	74, 84, 108, 157, 212, 245, 635
SETTLEMENT OF ARMY ACCOUNTS	100, 135, 236, 253, 265, 341, 505
CESSIONS OF WESTERN LANDS	113, 315
AFFAIRS OF WESTERN TERRITORY	118, 142, 247, 248, 255, 275, 324, 446
INDIAN AFFAIRS	71, 123, 125, 129, 130, 134, 141, 152, 407, 453, 551, 581, 659
REDUCTION OF CIVIL LIST	126, 342
REGULATION OF TREASURY	172, 437, 440, 465, 469, 634
TREATIES	176, 180, 357, 367, 368, 372, 579
NATIONAL DEBT	32, 128, 185, 241, 296, 298, 301, 395, 406, 541
POSSESSION OF FRONTIER POSTS	179, 202, 376, 380, 428, 436, 499, 515, 530, 538, 657
ESTABLISHING SEAT OF GOVERNMENT	223, 292, 293, 444, 699
FOREIGN COMMERCE	269, 318, 333
NEW HAMPSHIRE GRANTS	283, 481, 532
COMMITTEE OF THE STATES	288, 474, 484, 561-638
REGULATION OF POST OFFICE	314
NAVIGATION OF THE MISSISSIPPI	489, 529, 687, 705
ASSAULT ON MARBOIS	502, 564
STANDING ARMY	433, 518, 530
MASSACHUSETTS-NEW YORK BOUNDARY	547, 666
INSTRUCTIONS TO MINISTER TO ENGLAND	676
STANDING COMMITTEES	712
BIBLIOGRAPHICAL NOTES	719

PREFATORY NOTE

With 1784 the Continental Congress entered upon a new phase of its existence. The pressure of war definitely removed and the ratification of peace accomplished, the fundamental weakness of the Confederation became more apparent daily. Representation in Congress, never very regular, became a difficulty, increasingly prominent, which forced Congress, in June of this year, to take refuge in the expedient of a Committee of the States (consisting of one delegate from each), clothed with limited powers but functioning as a legislative substitute. The other delegates returned to the States to arouse a more lively interest in the central governing body without which, it was plain, the national organization would disintegrate and the union, which had been enforced by military necessity, collapse for want of civil political cohesion.

Settlement of the Army's accounts, with their vexed problems of half-pay and commutation, together with the joint responsibility of the States and Congress in the matter, brought the powers of Congress into question and bid fair to open up disagreements which would lead into governmental quagmires of serious possibilities.

The cessions of western lands and a government for the new territory to be organized from them became matters of importance, but they were not carried far toward solution during 1784. Obtaining possession of the frontier posts from the British and the measures for garrisoning them by United States troops created the problem of a standing army, and Indian affairs became inextricably entangled with the military aspect of this problem.

Finance, payment of the public debt, and efforts toward economies, through reducing the expense of the civil list, took their places among the vexatious but important difficulties, while foreign commerce and the navigation of the Mississippi River obtruded themselves as diplomatic questions of undoubted longevity and awkward character.

Progress was made with the domestic problems of the New Hampshire grants, Connecticut's claim to Pennsylvania lands, and the Massachusetts-New York boundary, but the matter of permanently locating the seat of the National Government was brought no nearer a definite conclusion.

As the weakness of the Congress became more and more manifest, that body developed an increasing sensitiveness as to its dignity and importance which, at times, appears almost peevish. The creation of the Committee of the States, though necessary, was a frank recognition of impotence. It marked the beginning of the end, and when Congress reassembled in November it was plain that it had lost ground as a legislative power which it could never hope to recover.

The copy for the year 1784 was prepared and sent to the printer by the late Gaillard Hunt, then chief of the Manuscript Division of the Library of Congress, but unforeseen exigencies respecting the printing fund compelled postponement of publication from year to year until now. As prepared, the copy has been slightly amended and a few footnotes added; it has been seen through the press, proof-read, indexed, and the Bibliographic Notes compiled by

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JOURNALS OF THE CONTINENTAL CONGRESS 1784

THURSDAY, JANUARY 1, 1784.

Six states only attending, namely, Massachusetts, Rhode Island, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the state of Maryland, Mr. [Jeremiah Townley] Chase, the President adjourned Congress till ten o'clock to-morrow.

FRIDAY, JANUARY 2, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the state of South Carolina, Mr. [Jacob] Read.

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [Charles] Morris, to whom was referred a memorial of Philip Moore:

Resolved, That the following form of sea-letters be granted for the ship *United States*, belonging to the memorialist and others:

Most Serene, Serene, Most Puissant, Puissant, High, Illustrious, Noble, Honorable, Venerable, Wise and Prudent Lords, Emperors, Kings, Republics, Princes, Dukes, Earls, Barons, Lords, Burgomasters, Schepens, Councillors, as also Judges, Officers, Justiciaries and Regents of all the good cities and places, whether ecclesiastical or secular, who shall see these Patents or hear them read:

We the United States of America in Congress assembled, make known that Mr. James Moore, supercargo of the ship called "*The*

United States," of the burthen of three hundred tons, or thereabouts, at present navigated by Captain Thomas Bell, is of the United States of America, and as we wish to see the said James Moore, supercargo, prosper in his lawful affairs, our prayer is to all the before mentioned, and to each of them separately, where the said James Moore shall arrive with his vessel and cargo, that they may please to receive the said supercargo with goodness, and to treat him in a becoming manner, permitting him, upon the usual tolls and expences in passing and repassing, to pass, navigate and frequent the ports, passes and territories, to the end, to transact his business where, and in what manner he shall judge proper. In testimony whereof, &c.

The Committee [Mr. Thomas Jefferson, Mr. Elbridge Gerry and Mr. Hugh Williamson] appointed to revise the files of reports and appointment of Committees, and to report what matters will require the attention of Congress previous to an adjournment, have revised the files of Reports, digested them under five heads and agreed to the following report thereon:

The first head comprehends important reports requiring the assent of 9 States; these relate to the ratification of the Definitive Treaty, the military arrangements in time of peace, the civil arrangements foreign and Domestic, the territories on our Western border, and the definition of the powers proper for a committee of the States, which several matters are thought essential for the consideration of Congress before their adjournment.

The second head comprehends reports which also require the assent of 9 States; they relate to matters of acct. and particular claims for money, which may probably be despatched in those short intervals or portions of the day in which it may not be convenient to discuss the first great subjects. Many of them however are such as ought not to detain Congress, whenever they shall be ready for adjournment.

The third head comprehends reports, which may be acted on by 7 States and which therefore may be taken up by Congress immediately.

The fourth comprehends those which should be postponed to another Session, some of them being not at all pressing and others not yet matured for determination.

The fifth comprehends those reports which, having been rendered useless by subsequent events may be postponed generally.

The Committee having not had time yet to revise the appointment of Committees, and to arrange their objects under the same heads, beg leave to report again, when they shall have made further progress.¹

The Committee [Mr. Richard Peters, Mr. Hugh Williamson and Mr. Arthur Lee] to whom was referred M^r. Blaine Letters of the 25 February, 1783,
Report—

That it appear to your Committee that the regulations of the 1st January 1780 for the Commisaries of purchases Department allowing two p cent for all merchantable provisions purchased in twenty fold the prices they were sold at in the year 1774 could not be carried into effect and was virtually repealed by the act of Congress of the 18 march following rating the value of Continental money at forty for one. But as the Commissioner for settling the accounts of that department cannot dispence with said Regulations without an act of Congress, your Committee recommend the following resolve.

That the accounts of the Commissary of purchase department be settled without any regard to the Resolution of the 1st January, 1781, respecting the allowance of two p^t Ct for all merchantable provision purchased on twenty fold the prices they were sold at in the year 1774, as if the same had never passed.

With regard to that part of M^r. Blaine's Letter resquesting an acknowledgement for his services to allow his travelling Expences your Committee are of opinion that ~~as he does not particularize his demands they cannot determine whether any or what gratuity should be made to him~~ it cannot be granted.²

¹ This report, undated, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 23, folio 197. According to the record in Committee Books 186 and 191, the committee was appointed December 19, 1783, "reported in part and discharged" January 2, 1784.

² This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 41, I, folio 451. The indorsement states that it was read on this day and filed September 9, 1785.

On this day, according to the indorsement, was read a petition of inhabitants of Kentucky. It is in the *Papers of the Continental Congress*, No. 41, V, folios 101-102.

Also, a letter of December 30, 1783, from John Sullivan with a letter of November 6, 1783, from the Legislature of New Hampshire. They were referred to

SATURDAY, JANUARY 3, 1784.

Congress assembled: Present the same as yesterday.

A letter, of the 17th December last, from Mr. F. Dana, was read, informing Congress of his arrival at Boston, after a passage of 95 days from Petersburg; and desiring to know whether it is the expectation of the Congress, that he should come on to the place of their sessions, and, without loss of time, to render a more particular account of his late mission:

Whereupon, on motion of Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read,

Resolved, That the president inform Mr. Dana, it is the desire of Congress to receive his communication, relative to his mission to the Court of Russia, and to the disposition of that court towards the United States, as soon as the circumstances of his affairs and the season shall admit of his attending Congress.¹

The Committee consisting of M^r [Abiel] Foster, M^r [Edward] Hand and M^r [William] Ellery, to whom was referred the petition of Nathaniel Greenwood, report that the said petition, with its enclosures, be referred to the Agent of Marine to report.²

[Motion of Elbridge Gerry and William Ellery.]

That the President be requested to inform the Plenipotentiaries of the United States in Europe that the definitive treaty was received in the interval of the adjournment of Congress, from Princeton to Annapolis, that in consequence of the severity of the season and other circumstances seven States only have as yet assembled. That they

Mr. [William] Ellery, Mr. [Edward] Hand, and Mr. [Richard Dobbs] Spaight. Committee Book No. 186 gives as additional members of the committee Mr. [Thomas] Jefferson and Mr. [Arthur] Lee and says that a report was made January 9. Sullivan's letter is in No. 44, folios 207-216; the letter of the legislature on folios 203-206.

¹ This resolution and the preamble were also entered in the Secret Journal, Foreign Affairs.

² This report, in the writing of Abiel Foster, is in the *Papers of the Continental Congress*, No. 19, II, folio 527. The indorsement states that it was read on this day and agreed to on January 9.

are unanimously desirous of ratifying the treaty. That the measure will be considered as soon as nine States shall be represented in Congress, and there is ~~every reason to expect the ratification will be immediately adopted~~ not the least doubt but that the definitive treaty will be immediately ratified, but as the ratification may not arrive in time to our Ministers Congress are apprehensive of injurious consequences unless the term for exchanging the Treaty should be enlarged.¹

[Report of M^r. Thomas Jefferson, Mr. Hugh Williamson, Mr. Jacob Read, Mr. Elbridge Gerry and Mr. David Howell relative to ratification of the definitive treaty.]

Whereas it is stipulated in the Definitive treaty of Peace between the United States of America and his Britannic Majesty, that the ratifications of the said treaty shall be exchanged on or before the third day of March next, and there now remains before that period little more time than is requisite for the passage of the said ratification across the Atlantic; and Congress consisting at present but of 7 states, these differ in opinion, some of them considering 9 as requisite under the Confederation to the establishment of every treaty, while others are of opinion, that 9 having ratified the Provisional treaty and instructed their Ministers to enter into a Definitive one, conformable thereto, which is accordingly done, seven may under these particular circumstances ratify what has been so declared by 9 to have their approbation, and those of the former opinion, being equally desirous with the latter that no power which it may be supposed they possess should remain unexercised for the final ratification of this instrument, provided it may be done, with the preservation of good faith towards the other contracting party and without importing that Congress has given any express opinion that the said ratification is authorized by the Confederation.

Resolved therefore, That the states now present in Congress do declare their approbation and so far as they have power their ratification of the said treaty that the Ratification in the usual form be duly attested under the seal of the states and transmitted to our Ministers with instructions to keep the same uncommunicated and to

¹ This motion, in the writing of Elbridge Gerry and William Ellery, is in the *Papers of the Continental Congress*, No. 25, II, folio 327. It is undated but belongs to this period.

propose to the other contracting party, a convention extending the time for the exchange of ratifications 3 months further, that the said Ministers be informed that so soon as 9 states shall be present in Congress the said treaty shall be submitted to them and their ratification when obtained shall be transmitted also; that if they should receive the ratification by 9 states before the ultimate point of time allowed for exchange this alone be used and the former cancelled; that if it should not be received in time, they then produce the act of the 7 states and give the same in exchange *informing the other contracting party that the said treaty came to hand when Congress was not in session.* That 7 states only had yet assembled; that this ratification has been expedited with their unanimous consent and offering it in exchange for theirs ~~with an assurance that it will be followed by another, expedited in all its forms by nine states, so soon as they shall be assembled, which shall be delivered to them also.~~¹

[M^r: Jacob Read's motion, January 3^d, 1784; Referred to the Postmaster General to report.]

That the Postmaster be instructed to order the post riders who meet at Annapolis with the Northern and Southern Mails severally to remain a night at Annapolis in order to give the Members of Congress an opportunity to examine and answer their despatches by the returns of the post.²

MONDAY, JANUARY 5, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the state of New Hampshire, Mr. [Abiel] Foster, and from South Carolina, Mr. [Jacob] Read.

On motion of Mr. [William] Ellery, seconded by Mr. [David] Howell,

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 29, folios 327-329. The indorsement states that on January 14, 1784, it was "rendered useless by the ratification this day by 9 states" and was ordered "to be filed." It was read, the indorsement states, on this day. A duplicate rough draft is on folio 330.

² This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 281. The indorsement states that it was made on this day and a copy sent to the Postmaster at Philadelphia.

Resolved, That the ~~appointment~~ election of the five committees, directed to be appointed on this day, by the resolution of the 17 June, 1782, be postponed till the first Monday in February next.

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Hugh] Williamson and Mr. [William] Ellery, to whom was referred a memorial from Gustavus Conyngham, praying for the renewal of a commission of captain in the navy of the United States, received from the commissioners in Paris, in 1777, and lost by him, or to be reinstated in his former situation.

Resolved, That the prayer of the said memorialist cannot be granted, such commissions being intended for temporary expeditions only, and not to give rank in the navy.¹

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [Arthur] Lee, Mr. [Ralph] Izard, Mr. [Richard] Peters and Mr. [James] McHenry, to whom was referred a letter from the Commander in chief, of 28 August, containing a proposal from the Secretary of the Polish Order of Knights of Divine Providence, that Congress should nominate a number of suitable persons to be created Knights of the said Order.

Resolved, That the late Commander in Chief, be requested to inform the Chevalier Jean de Heintz, Secretary of the order of Divine Providence, that Congress ~~entertain a high sense of the honour done them by~~ are sensible of the attention of that Order, in proposing to them to nominate a number of suitable persons to be created Knights of the Order of Divine Providence; but that Congress cannot, consistently with the principles of the Confederation, accept of their obliging proposal.²

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, I, folio 621.

² This report, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 19, II, folio 45; the words crossed out are in the report and do not appear in the Journal. On this or an approximate date was read a letter of January 4 from Wallace and Muir. It is in No. 78, XXIV, folio 413.

ANNAPOLIS, JANUARY 5, 1784.

The committee, consisting of Mr. [Hugh] Williamson, Mr. [George] Partridge and Mr. [Arthur] Lee, appointed to prepare a letter to the Ministers of the United States in Paris, reported a draught, which was agreed to as follows:

I am directed to inform you that the definitive Treaty after a very long passage arrived during an adjournment of Congress from Princeton to this place. No more than seven States are yet assembled; these are unanimously desirous to ratify the Treaty, and the measure will be taken up as soon as nine States are assembled. In the mean while as the weather is severe and travelling extremely difficult from a heavy fall of snow, it is to be feared the ratification may not arrive in the time limited for the exchange ~~To obviate any inconvenience that may arise from such accident I am to request you will attempt to negotiate an extension of the time fixed for the exchange of ratifications by the addition of two months~~ [and that inconveniences may arise unless the time for exchanging the ratification should be extended.]¹

TUESDAY, JANUARY 6, 1784.

Congress assembled: Present the same as yesterday.

The committee, consisting of Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Eleazer] McComb, to whom was referred a letter of 22 November, from the postmaster general, with sundry papers enclosed therein, respecting the

¹ This report, in the writing of Hugh Williamson, except the part in brackets, which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, II, folio 325. It was entered only in Secret Journal No. 4 (p. 230) and in Secret Journal No. 6, Vol. III (p. 209). The words lined out so appear in the report but were not entered on the Journal.

robbery of the mail at Princeton, report the following state of facts:

“That about nine o’clock in the evening of the 30th of October last, the mail for the eastward was closed and laid on the counter, in the post office, that the post-rider came into the office, and passed into a room adjoining, with the postmaster, leaving the mail on the counter, and a lighted candle near it, without any one in the office, the door leading into the street and the room adjoining being open; that under these circumstances some person entered the office at the front door, extinguished the candle and carried off the mail; that some days after the robbery of the mail, it was found in a meadow near Princetown, and returned to the general post-office; that the mail contained a large packet of notes, signed by Michael Hillegas, treasurer, ~~and franked by the superintendant of finance~~ and other valuable effects, none of which were missing; but that five or six letters were lost, and several franked by members of Congress were broke open. Upon which state of facts the committee conceive that the interests of individuals, the revenue of the post office, and the national honor, are intimately concerned in the safety and preservation of the public mails, and of the letters, packets and despatches committed to the post-office.” Whereupon,

Resolved, That a copy [of the letters and papers referred to the committee, be transmitted to the supreme executive of the State of New Jersey, who are requested to order a strict enquiry into the conduct of John Harrison, postmaster at Princetown, and James Martin, post-rider, relative to the premises; to ascertain whether and how far they were culpable in the loss of the mail; to discover, if possible, the perpetrators of the robbery, and to transmit the result of such enquiry to Congress.]

Committed.

2nd. *Resolved*, That it be earnestly recommended to the Legislatures of the several States to enact adequate laws for the security of the public mails and of the letters, packets and despatches committed to the Post offices within their respective jurisdictions.

Agreed to Jany. 15.

3rd. *Resolved*, That the President issue a Proclamation offering a reward of 300 dollars to be paid out of the public Treasury and charged on the Revenue of the Post office to any person or persons who shall apprehend and secure in any of the goals in the United States the perpetrator or perpetrators of the aforesaid robbery, so that he or they may be thereof legally convicted, and brought to condign punishment, and promising the same reward, with an indemnity to any person, who being an accomplice shall give information and evidence whereby any principal offender or offenders shall be convicted as aforesaid.

[*Resolved*, That the postmaster general be directed to inform Congress, to whom the mail was delivered when found, and whose hands it passed through till lodged in the general post office; that he also be directed to give positive orders to the several postmasters, and post-riders, to take the most effectual care of the letters, packets, despatches and mails committed to them respectively, as any neglect or misconduct in that department will meet with no indulgence from Congress.]¹

¹ The report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 19, III, folio 83. The parts in brackets was entered in the Journal by Henry Remsen, Jun. but the 2d and 3d resolves are in the report only and were not entered in the Journal. The Postmaster General's letter is in No. 61, folio 155.

On this day, according to the indorsement, was read a memorial from the public creditors in and near Philadelphia and referred to Mr. [Samuel] Osgood, Mr. [Hugh] Williamson and Mr. [James] Tilton. It is in No. 41, II, folios 156, 160. See *post*, January 15.

The Committee, consisting of M^r [Elbridge] Gerry, M^r [Richard] Peters and M^r [Abiel] Foster, to whom was referred a letter of the 7th of Sept. last submit the following report

Resolved, That ~~an unsigned~~ a copy of a letter ~~purporting to be from Colonel John Allen~~ to Congress of the 7th September be transmitted to the ~~legislature~~ Supreme executive of Massachusetts, who are ~~authorized~~ requested to take effectual measures for ascertaining whether any encroachments are made on their eastern boundaries, constituting those of the United States, ~~and if made by the subjects of any foreign power to prohibit them in the name of the said states by proclamation or otherwise~~ giving the earliest information thereof to Congress,

And the legislature are also requested to discharge any ballance that may be due to Col Allen for necessary services and supplies in superintending the eastern Indian Department

Resolved, That the monies advanced by the State of Massachusetts in pursuance of the preceeding resolution, be allowed by the Superintendent of finance in part payment of the requisitions of 1782 for supplying the continental treasury¹

The Superintendent of Finance to whom was referred the letter of Charles Stewart of the twenty-ninth of October begs leave to report.

That the same letter was upon the reference thereof transmitted to the Commissioner for adjusting the accounts of the Commissary's Department, and his answer was made on the fourth Instant a copy whereof is now enclosed.

All which is humbly submitted.

ROBT. MORRIS.²

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, I, folio 55. It was postponed on this day, the indorsement states, and "rendered useless by the resolution of January 29, 1784." See *post*, January 29.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 267. It was presented and read December 22, 1783, and, on January 6, as the indorsement states, it was referred to Mr. [Hugh] Williamson, Mr. [William] Ellery, and Mr. [Samuel] Osgood. According to Committee Book, No. 186, the Committee was renewed April 7, and, apparently Osgood was then dropped and Mr. [Roger] Sherman put in his place. See *post*, April 15

WEDNESDAY, JANUARY 7, 1784.

Congress assembled: Present as before.

THURSDAY, JANUARY 8, 1784.

Congress assembled: Present as before.

On motion of Mr. [David] Howell, seconded by Mr. [William] Ellery,

Resolved, That Monday next be assigned for the election of a chaplain to Congress.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, ~~Mr. James Duane~~, Mr. [Arthur] Lee and Mr. [Jeremiah Townley] Chase, to whom was referred a memorial of Jan Hendrick Christian Heinekin, one of the agents of the Prussian ship *Minerva*, touching a decree of the court of appeals in cases of capture:

Resolved, That the memorial of Jan Hendrick Christian Heinekin, with the papers accompanying it, be referred to the judges of the court of appeals in ~~Admiralty causes~~ cases of capture, to report to Congress (as speedily as may be, the ~~facts and reasons on which they founded the decree complained of in the said memorial. [Copies of the proofs and proceedings together with a state of the case to enable Congress to understand the reasons and grounds on which the decree, &c., was founded]~~ proceedings, proofs and judgment in the above-mentioned cause).¹

On the report of the committee, consisting of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [James] Tilton, to whom was referred a petition of Thomas Sudler, setting forth, that his dwelling-house was, on the 6 of February, 1781, plundered

¹ The report, in the writing of Arthur Lee, except the part in brackets which is in David Howell's writing, and that in parenthesis which is in Jacob Read's writing, is in the *Papers of the Continental Congress*, No. 19, III, folios 120 and 121½. The line typed words are in the report and not in the Journal.

Heinekin's memorial is in No. 41, IV, folio 199, and a copy is in No. 41, VI, folio 416.

and robbed by the British; and that he lost several continental certificates to the amount of two thousand three hundred dollars, exclusive of interest, which were dated about the 2d of March, 1779, and praying that certificates of the same tenor and date may be issued to him.

Report that justice does not require, nor does the interest of the United States admit that Congress should become responsible for casualties of the like nature.¹

Resolved, That the certificates being made payable to the bearer, and probably at this time in circulation, the prayer of the petition cannot be granted.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe, to whom were referred the memorial of Captain Houdin, of the 2d Massachusetts regiment, and that of Lieutenant Thacher of the same, praying for promotion,

Resolved, That the definitive treaty of peace being signed, nearly the whole of the army discharged, and the Commander in Chief having resigned his commission, it is inexpedient to make the promotion requested.²

The Committee, consisting of [Mr. David Howell, Mr. Arthur Lee and Mr. Samuel Osgood] to whom was referred the address of the people called Quakers, presented to Congress on the 8th day of October, 1783, by a deputation on behalf of the yearly meeting held in Philadelphia, for Pennsylvania, New Jersey, Delaware and the western parts of Maryland and Virginia, submit the following Report.

Resolved, That Congress consider this address from so respectable a part of the people called Quakers as a testimony of their sincere concern for ~~the essential good of their Country~~ the rights of mankind, and of their respect for those with whom the powers of Government are entrusted.

¹ The report, in the writing of Hugh Williamson and Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, III, folio 191.

² The report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, V, folio 439. Sudler's petition is in No. 43, VII, folio 170.

Resolved, That it be recommended to the legislature of the several States to enact such laws as to their wisdom may appear best calculated to compass the object of the second article in the association entered into, and subscribed by the Delegates of the United Colonies in Congress assembled on the 20th Day of October 1774.¹

FRIDAY, JANUARY 9, 1784.

Congress assembled: Present as before.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [Edward] Hand and Mr. [Richard Dobbs] Spaight, to whom was referred a memorial of the late Major-General Sullivan:

The Committee consisting of M^r [William] Ellery, M^r [Edward] Hand and M^r [Richard Dobbs] Spaight to whom was referred the memorial of the late Major General John Sullivan with its enclosures, submit the following Resolves:

Whereas, in the Act of Congress passed the of April, 1780, allowing depreciation to the line of the Army on their original pay it is provided, "That no person shall have benefit of this resolution except such as were engaged during the War or for three years and are now in service or shall hereafter engage during the War," and the Memorialist had resigned and was not in service on the 11th day of April, 1780, and whereas on the 2^d day of August, 1781, Congress passed a negative on the following question: "That it be recommended to the State of New Hampshire to make good to Genl. Sullivan the depreciation of his pay for the time he continued in service in the like manner as has been done for the Officers in the line of the said State now in service." Therefore—

Resolved, That Congress cannot consistently with those Acts allow the Memorialist depreciation on his pay for the time he continued in service—Postponed.

Ordered, That a petition of Nathaniel Greenwood for pay while a Prisoner, be referred to the Agent of Marine to report.²

¹ This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 20, II, folio 169. The indorsement states that it was read January 7 and on "January 8, 1784, Question taken on this lost."

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. According to the record in Committee Book No. 186, a report was delivered February 2.

Resolved, That so much of the said memorial, as respects the payment of fifteen hundred dollars, granted to him by Congress, by their act of 31 July, 1781, be referred to the Superintendent of finance, to take order.¹

SATURDAY, JANUARY 10, 1784.

Only six states attending, viz. Massachusetts, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the State of Rhode Island, Mr. [William] Ellery, the President adjourned Congress till ten o'clock on Monday.

MONDAY, JANUARY 12, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the State of South Carolina, Mr. [Jacob] Read.

Ordered, That the ~~order of the day for electing~~ election of a chaplain be postponed till Monday next.

The committee of the week [Mr. Richard Dobbs Spaight, Mr. Edward Hand and Mr. James Monroe] are of opinion the within memorial [of Captain F. Paschke] should be read in Congress.²

TUESDAY, JANUARY 13, 1784.

Congress assembled: Present as yesterday; and from the State of Connecticut, Mr. [Roger] Sherman and Mr. [James] Wadsworth, who produced credentials under the seal of the

¹ This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 19, V, folio 453. Sullivan's memorial is in No. 41, IX, folio 253.

² This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 42, VI, folio 285. The memorial of Captain Paschke, dated January 11, 1784, is on folio 282. According to the indorsement it was read January 12 and referred to Mr. [James] Tilton, Mr. [Arthur] Lee and Mr. [David] Howell.

State; by which it appears, that at a general assembly of the governor and company of the said State, holden at New Haven, on the second Thursday of October, 1783, the said assembly did appoint Roger Sherman, esq. William Williams, esq. James Wadsworth, esq. and William Hilhouse, esq. delegates to represent that State in the Congress of the United States of America, the year ensuing, in the room of Samuel Huntington, esq. Oliver Wolcott, esq. Richard Law, esq. and Oliver Ellsworth, esq. resigned.

STATE OF CONNECTICUT

At a General Assembly of the Governor and Company of the State
 of Connecticut, holden at New Haven on the second Thurs-
 SEAL. day of October, 1783,

THIS ASSEMBLY do appoint Roger Sherman, Esq^r, William Williams, Esq^r, James Wadsworth, Esq^r, and William Hilhouse, Esq^r, Delegates to represent this State in the Congress of the United States of America the year ensuing in the room of Samuel Huntington, Esq^r, Oliver Wolcott, Esq^r, Richard Law, Esq^r, and Oliver Elsworth, Esq^r, resigned.

A true Copy of Record.

Examin^d.

By GEORGE WYLLYS *Secret*^{v1}

Mr. J[ohn] Beatty, a delegate for New Jersey, attended, and produced credentials; by which it appears, that in the State of New Jersey, at Trenton, November 6, 1783, the council and assembly in joint meeting, proceeded to the election of five delegates to represent that State in Congress, when the hon. Jonathan Elmer, Silas Condict, John Stevens, John Beatty and Samuel Dick, esqrs. were duly elected, and empowered to represent and vote in behalf of that State in the Congress of the United States of North America, until

¹ The original is in the *Papers of the Continental Congress, Connecticut, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

the 5th day of November next, unless a new appointment shall sooner take place.

STATE OF NEW JERSEY, TRENTON, Nov^r 6th 1783.

The Council and Assembly in Joint Meeting proceeded to the election of five Delegates to represent this State in Congress, when

The Hon^{ble} Jonathan Elmer

Silas Condict

John Stevens

John Beatty &

Samuel Dick Esquires were duly elected.

Resolved, therefore, That the said Jonathan Elmer, Silas Condict, John Stevens, John Beatty and Samuel Dick Esquires, or any two or more of them be empowered to represent and vote in behalf of this State in the Congress of the United States of North America until the fifth day of November next, unless a new appointment shall sooner take place.

It is nevertheless expected that three of the Delegates do constantly attend in Congress unless prevented by sickness or other accident.

By Order of the Joint Meeting

PHILEMON DICKINSON, *Chairman*.¹

The committee, consisting of Mr. [William] Ellery, Mr. [Edward] Hand, Mr. [Richard Dobbs] Spaight, Mr. [Thomas] Jefferson and Mr. [Arthur] Lee, to whom was referred a letter of the 6 of November, from the legislature of New Hampshire, on the subject of a memorial from the owners of the private armed vessel called the brig *McClary*, respecting the proceedings and sentence of the judges of the court of appeals in cases of capture, in the case of the brig *Lusannah*, captured by the said private armed vessel, called the brigantine *McClary*; together with a letter from Mr. J. Sullivan, agent for the proprietors of the said brig *McClary*,

¹ The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

having made a report; and the said report, after debate, being postponed,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Osgood,

That the further consideration of the report be postponed to the 1st Monday of April next; and that a copy of the memorial ~~and papers relative thereto~~ be transmitted to the present claimants of the brig *Lusannah*, to shew cause, if any they have, why the prayer of the said memorial should not be granted; and in the mean time that all proceedings in the sentence of the court of appeals, touching the premises, ought to be stayed.¹

Your Committee find that by a resolution of Congress of Nov^r 25, 1775, it was recommended to the legislatures of the several states to erect Courts for determining the cases of captures from the enemy on the high seas, and it was declared that in all cases an appeal should be allowed to Congress, or such persons as they should appoint for the trial of appeals.

That this resolution was complied with by the several states, some of them ceding appeals to Congress on a larger and some on a more contracted scale; and New Hampshire particularly, by their act of Assembly of 1776, allowing them only in cases of captures by armed vessels fitted out at the charge of the United States, and reserving the appeal in all other cases to the Supreme Court of their own State.

That the course of Congress was to appoint a Committee for the trial of every Special appeal till the 30th Day of January, 1777, when a standing Committee was appointed to hear and determine appeals from the Courts of Admiralty in the respective states.

That the Brigantine *M^cClary*, a private armed vessel owned by John Penhallow and others, citizens of New Hampshire, captured on the high seas in the month of November, 1777, the Brigantine *Lusanna*, the subject of the present question, carried her into Piscataqua in the State of New Hampshire and libelled her before the

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 283. The letter of the New Hampshire legislature is in No. 44, folio 203. Sullivan's letter is in folio 207.

maritime Court of the said State, whereon the said vessel and cargo were by the said court condemned.

That the claimants, Elisha Doane and others, prayed an appeal to Congress, which being refused, they appealed to the Superior Court of New Hampshire, where the sentence being confirmed they again prayed an appeal to Congress which was refused, and the sentence, carried into effect by a sale and distribution of the vessel and cargo.

That on the 9th Day of October, 1778, the said Elisha Doane petitioned Congress for a revision of the said sentence, which petition being referred to the Committee of Appeals, they in May, 1779, summoned the Libellants to appear before them in defence of their right, ~~which they accordingly did by their counsel, and the said committee on a hearing of both parties reported to Congress that~~

That on the 22^d of the same month Congress resolved that certain Resolutions of theirs of March 6th, 1779, relative to their controul over all jurisdiction in cases of capture on the high seas should be transmitted to the several states, ~~where upon Congress by their resolu. of May 22, 1779,~~ and they be respectively requested to take effectual measures for conforming therewith.

That they were accordingly transmitted to the State of New Hampshire, the legislature thereof by their act of Nov., 1779, extended the license of appeal to Congress to every case wherein any subject of any foreign nation in amity with the United States should be interested in the dispute, and allowed it no further.

That in May, 1780, a Court of Appeals was established by Congress with jurisdiction over all matters respecting appeals in cases of capture, then depending before Congress or the Commiss^{rs} of appeals, consisting of Members of Congress.

That all these transactions were prior to the completion of the Confederation which took place on the first day of March, 1781.

That on the 17th of September, 1783, the Court of Appeals proceeded to consider the case of the said Elisha Doane and others against the Brig *Lusanna*, John Penhallow, Libellant, and to reverse the said sentences passed by the inferior and superior courts of New Hampshire.

Whereupon your Committee, have Come to the following resolution:

Resolved, That the said capture having been made by citizens of New Hampshire carried in and submitted to the jurisdiction of that state before the completion of the Confederation, while appeals to Congress in such cases were absolutely refused by their legislature, neither Congress nor any persons deriving authority from them had jurisdiction in the said case.¹

A motion was made by Mr. [Jeremiah Townley] Chase, seconded by Mr. [Jacob] Read, to strike out the latter part, viz. and in the mean time, &c. to the end:

And on the question, shall those words stand? the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire</i> ,				<i>Pennsylvania</i> ,			
Mr. Foster,	ay	} *		Mr. Mifflin,	ay	} ay	
				Hand,	ay	}	
<i>Massachusetts</i> ,				<i>Delaware</i> ,			
Mr. Gerry	ay	} ay		Mr. Tilton,	no	} div.	
Partridge,	ay	}		McComb,	ay	}	
Osgood,	ay	}		<i>Maryland</i> ,			
<i>Rhode Island</i> ,				Mr. Chase,	no	} no	
Mr. Ellery,	ay	} ay		Lloyd,	no	}	
Howell,	ay	}		<i>Virginia</i> ,			
<i>Connecticut</i> ,				Mr. Jefferson,	ay	} ay	
Mr. Sherman,	ay	} ay		Lee,	ay	}	
Wadsworth,	ay	}		Monroe,	no	}	
<i>New Jersey</i> ,				<i>North Carolina</i> ,			
Mr. Beatty,	no	} *		Mr. Spaight,	ay	} *	

So the question was lost and the words were struck out.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Abiel] Foster,

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 44, folio 223.

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	*	Mr. Tilton,	no	no
<i>Massachusetts,</i>			McComb,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Partridge,	ay		Mr. Chase,	ay	div
Osgood,	ay		Lloyd,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	no	Mr. Jefferson,	ay	} no
Howell,	no		Lee,	no	
			Monroe,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	no	no	Mr. Williamson,	no	no
Wadsworth,	no		Spaight,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Beatty,	no	*	Mr. Read,	no	*
<i>Pennsylvania,</i>					
Mr. Mifflin,	no	no			
Hand,	no				

So it passed in the negative.¹

OFFICE OF FINANCE, 13th January, 1784.

SIR,

The Secretary of Congress has transmitted to me the Petition of John Cowper with an order to report thereon. I must on this occasion pray leave to observe that this with a variety of other similar transactions depends on the adjustment of the accounts of the secret and commercial Committees of Congress. In a letter of the twelfth of August last I had the honor to observe that those accounts "were far from being inconsiderable either as to their nature or magnitude. That they were involved with others and had extended themselves to different Parts of the United States and to Europe, and the West Indias; that they are more connected with the marine accounts than with any others, and that the settlement of them was highly necessary." I took the liberty also (then) to suggest the propriety of submitting the investigation of those accounts to the Commissioner

¹ On this day, as the indorsement states, a letter of November 1, 1783, from William Williams, speaker of the Assembly of Connecticut, was read; also a letter of November 15, 1783, from Jonathan Trumbull, Governor of Connecticut. Both are in No. 66, II, folio 252. They were referred to Mr. [Thomas] Jefferson, Mr. [Arthur] Lee and Mr. [Hugh] Williamson. Committee Book, No. 186, states that the committee reported February 13.

for settling the Marine Accounts, or of appointing a special Commissioner for that express purpose.

Since writing that letter the Commissioner on the marine accounts having been obliged in the course of his business to look at the commercial and secret committee accounts, has not only discovered some balances due to the United States; but has reported other matters which shew in a strong point of light the necessity of examining and settling those accounts. I think they could be more easily, speedily and effectually settled by that gentleman than by any other, and therefore the submitting of them to him, might be eligible in an economical point of view.

I come now, Sir, to observe (which I am sorry to do) that my report on M^r. Cowper's case must necessarily be suspended until after a reference to the Commissioner appointed to adjust the accounts of the Secret and Commercial Committees, I shall be possessed of such a state of facts as will enable me to report with propriety.

Before I close this letter, I must also observe that as the accounts in question originated with and were under the superintendance of Members of Congress, it is a kind of Duty, which Congress in their political capacity owe to themselves, to trace the applications of money thro' those channels with the same attention which has very properly been applied to other public expenditures.¹

WEDNESDAY, JANUARY 14, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina; Mr. [Richard] Beresford having this day taken his seat; and from the State of New Hampshire, Mr. [Abiel] Foster, and from New Jersey Mr. [John] Beatty.

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry, Mr. [William] Ellery, Mr. [Jacob] Read and Mr. [Benjamin] Hawkins, to whom were referred the definitive treaty of peace between the United

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 415. According to the indorsement it was read this day and referred to Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee.

States of America and his Britannic Majesty, and the joint letter of the 10 September, from Mr. Adams, Mr. Franklin and Mr. Jay,

Resolved, unanimously, nine states being present, that the said definitive treaty be, and the same is hereby ratified by the United States in Congress assembled, in the form following:¹

THE UNITED STATES IN CONGRESS ASSEMBLED,

To all persons to whom these presents shall come greeting:

Whereas definitive articles of peace and friendship between the United States of America and his Britannic majesty, were concluded and signed at Paris on the 3d day of September, 1783, by the plenipotentiaries of the said United States, and of his said Britannic Majesty, duly and respectively authorized for that purpose; which definitive articles are in the words following:

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the third, by the grace of God, king of Great Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the 30th of November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but

¹ This resolution was also entered in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, Esquire, member of the parliament of Great Britain; and the said United States on their part, John Adams, Esquire, late a commissioner of the United States of America, at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the states general of the United Netherlands; Benjamin Franklin, Esquire, late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esquire, late president of Congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States, at the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty: who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

ARTICAL 1st. His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and independent states: that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

ARTICAL 2d. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the north-

westernmost head of Connecticut river, thence down along the middle of that river to the forty fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said [lake,] until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux, to the long lake; thence through the middle of said long lake and the water communication between it and the lake of the Woods, to the said lake of the Woods, thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi, thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river, and thence down along the middle of Saint Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river Saint Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river Saint Lawrence: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICAL 3d. It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the gulph of Saint Lawrence, and at all other places in the sea,

where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen islands, and Labradore, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICAL 4th. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICAL 5th. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession of the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either

by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICAL 6th. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICAL 7th. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one, and the citizens of the other, wherefore all hostilities both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty, and his Britannic majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICAL 8th. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ARTICAL 9th. In case it should so happen, that any place or territory belonging to Great Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICAL 10th. The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we, the undersigned their ministers plenipoten-

<i>Delaware,</i>				<i>North Carolina,</i>		
Mr. Tilton,	ay	} ay		Mr. Williamson,	ay	} ay
McComb,	ay			Spaight,	ay	
<i>Maryland,</i>				<i>South Carolina,</i>		
Mr. Chase,	ay	} ay		Mr. Read,	ay	} ay
Lloyd,	ay			Beresford,	ay	
<i>Virginia,</i>						
Mr. Jefferson,	ay	} ay				
Lee,	ay					
Monroe,	ay					

So it was resolved in the affirmative.

Resolved, That the said ratification be transmitted with all possible despatch, under the care of a faithful person, to our ministers in France, who have negotiated the treaty, to be exchanged.

Resolved, That Colonel Josiah Harmar be appointed to carry the said ratification.¹

Ordered, That the Superintendent of Finance furnish Colonel Harmar with money to defray his necessary expences.

Resolved, That a proclamation be immediately issued, notifying the said definitive treaty and ratification to the several states of the union, and requiring their observance thereof in the form following:

By the United States in Congress assembled,

A PROCLAMATION.

Whereas definitive articles of peace and friendship between the United States of America and his Britannic Majesty, were concluded and signed at Paris, on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorized for that purpose: which definitive articles are in the words following: [Here insert the treaty as above.]

¹ A draft of these two resolutions, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 287.

And we, the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act under the seal of the United States, bearing date this 14 day of January, 1784, approve, ratify and confirm the same, and every part and clause thereof, engaging and promising, that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should be in our power; and being sincerely disposed to carry the said articles into execution, truly, honestly and with good faith, according to the intent and meaning thereof, we have thought proper by these presents, to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive and judiciary, all persons bearing office, civil or military, of whatever rank, degree or power, and all others the good citizens of these states, of every vocation and condition, that reverencing those stipulations entered into on their behalf, under the authority of that federal bond, by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surest guide, within their several offices, jurisdictions and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly and completely.

Given under the seal of the United States. Witness his Excellency THOMAS MIFFLIN, our president, at Annapolis, this 14 day of January, in the year of our Lord, one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth.

Resolved, unanimously, nine states being present, That it be, and it is hereby earnestly recommended to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts, which were in the possession of his Britannic Majesty's arms, at any time between the 30 day of November, 1782, and the 14 day of January, 1784, and who have not borne arms against the said United States, and that persons of

any other description, shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated: And it is also hereby earnestly recommended to the several states, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail: and it is hereby also earnestly recommended to the several states, that the estates, rights and properties of such last mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the bona fide price, (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.¹

Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several states by the secretary.²

[Motion of Mr. Jacob Read]

That Congress do on Wednesday next celebrate the final ratification of the Definitive Treaty of peace. And that a public entertainment be given on that day³ ~~to the Executive and other respectable Citizens.~~

¹ The committee's report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 29, folio 315.

² The proceedings for this day were also entered in the Secret Journal, Foreign Affairs.

³ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 301. The indorsement states that it was referred to Mr. [Jacob] Read, Mr. [David] Howell and Mr. [Hugh] Williamson.

THURSDAY, JANUARY 15, 1784.

Congress assembled: Present as yesterday.

The committee, consisting of Mr. [Samuel] Osgood, Mr. [Hugh] Williamson and Mr. [James] Tilton, to whom was referred a memorial of the public creditors in the city and neighbourhood of Philadelphia, report, that the said memorial sets forth, that the general assembly of the State of Pennsylvania, did, on the 21 day of March last, pass an act authorising and directing the treasurer thereof, to make and issue notes, and deliver the same to Thomas Smith, esq. continental loan officer, to enable him to pay one year's interest on such of the said debts as are therein described, according to the directions of the United States in Congress assembled. That the said loan officer refuses the payment of the interest due to them on loan office certificates, bearing date between the first day of September, 1777, and the first day of March, 1778, unless they consent to a liquidation of depreciation on the interest of this class of certificates, equal to that which is established for the principal on the final redemption; that this condition destroys the solemn contracts contained in the resolutions of the 10th of September, 1777, and adhered to in the resolve of the 28 of June, 1780, the first of which is, "that the interest which shall arise after the date of this resolution on loan office certificates, already issued, or which shall be issued before the first day of March next, be annually paid at the respective loan offices in bills of exchange on the commissioners of the United States in Paris, at the rate of five livres ~~tournois~~ of France for every Spanish milled dollar, due for interest as aforesaid, or in continental bills of credit at the option of the respective lenders." The other is, "that the interest on all loan office certificates at the rate of six per cent. per annum, computed on the principal ascertained as aforesaid, shall be discharged annually, in like manner as the principal,

until the principal shall be paid: Provided nevertheless, that the same interest and mode of payment on certificates taken out before the first day of March, 1778, shall be continued as at present, until the principal ascertained as aforesaid, be ready to be discharged." That the memorialists in behalf of the said public creditors, pray Congress to give directions agreeably to the intentions of the above recited resolutions.

The committee farther report, that upon inspecting the journals of Congress, they find that Congress did, on the 4th day of September, 1782, resolve that 1,200,000 dollars be quotaed on the states as absolutely and immediately necessary for the payment of the interests of the public debt; but no directions are contained therein, relative to ~~paying the interest on the certificates above described, or~~ the liquidating the interest by the scale of depreciation; that on the 9 of September, 1782, Congress directed, "that no bill of exchange be issued for interest due on loan office certificates, since the first day of March last," preceding. And the committee are of opinion, that the inability of Congress, to discharge the interests according to the ~~contract~~ promise, does not dissolve the same, that the creditors aforesaid are justly entitled to an equivalent, that the debt is created by the resolution of the 10 of September, 1777, and that no subsequent resolution has invalidated the intention thereof: Whereupon,

Resolved, That the interest which has or may become due on loan office certificates, bearing date between the ~~tenth~~ first day of September, 1777, and the first day of March, 1778, is not subjected to any depreciation ~~but is expressly saved therefrom by the resolution of the 28th of June, 1780.~~¹

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 20, II, folio 173. The words crossed out so appear in the report and not in the Journal.

On the report of the committee, to whom was referred the letter from the postmaster general, of the 22d of November, with the papers enclosed, respecting the robbery of the mail at Princeton,

Resolved, That the president issue a proclamation, offering a reward of three hundred dollars, to be paid out of the public treasury, and charged on the revenue of the post office, to any person or persons who shall apprehend and secure, in any of the goals in the United States, the perpetrator or perpetrators of the aforesaid robbery, so that he or they may be thereof legally convicted, and brought to condign punishment; and promising the same reward, with an indemnity, to any person who, being an accomplice, shall give information and evidence whereby any principal offender or offenders shall be convicted as aforesaid.¹

On motion of Mr. [Jacob] Read, seconded by Mr. [Roger] Sherman,

Resolved, That a committee be appointed to devise ways and means for discharging that part of the public debt, consisting of continental loan office certificates, issued between the 1 day of September, 1777, and the first day of March, 1778.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read,

Resolved, that a triplicate of the ratification of the definitive treaty, be sent to our ministers plenipotentiary, by Lieutenant Colonel David S. Franks, who is authorized and directed to take passage in the first vessel which shall sail from any port eastward of Philadelphia, for France or any port in the channel, in which neither of the instruments of the ratification, already forwarded, may be sent,

¹ This resolution, as a part of the report of the committee brought in January 6, is in the *Papers of the Continental Congress*, No. 19, III, folio 84.

provided such vessel shall sail before the 3 day of February next.

Ordered, That the Superintendant of finance furnish Lieutenant Colonel D. S. Franks, with money to defray his necessary expences in going and returning.¹

~~On the question to agree to this resolution, the yeas and nays being required by Mr. [Jacob] Read,~~

Mr. Foster,	ay	Mr. Tilton,	ay
Mr. Gerry,	ay	Mr. McComb,	no
Mr. Partridge,	no	Mr. Chase,	ay
Mr. Osgood,	ay	Mr. Lloyd,	ay
Mr. Ellery,	ay	Mr. Jefferson,	ay
Mr. Howell,	ay	Mr. Lee,	no
Mr. Sherman,	ay	Mr. Monroe,	ay
Mr. Wadsworth,	no	Mr. Williamson,	ay
Mr. Beatty,	ay	Mr. Spaight,	ay
Mr. Mifflin,	ay	Mr. Read,	ay
Mr. Hand,	ay	Mr. Beresford,	ay
Mr. Morris,	ay		

~~So the question was lost.~~

~~On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] Jefferson,~~

~~Resolved, That a committee be appointed to consider and report the most expeditious mode of sending a triplicate of the ratification of the definitive treaty to the plenipotentiaries of the United States in Europe.~~

The Committee [Mr. James Wadsworth, Mr. Eleazer McComb and Mr. Arthur Lee] appointed to consider of the best mode of transmitting a triplicate of the ratification of the definitive treaty to our Ministers at Paris recommend the following resolution.

Resolved, That it having been signified to the house that Major David S. Franks is desirous of going to France on his own affairs,

¹ This resolution and order were also entered in the Secret Journal, Foreign Affairs.

he be requested to take into his care the ratification of the D. T. and deliver it to our Ministers at Paris; that the Superintendent of Finance be directed to supply him with one hundred guineas for his extraordinary expence in so doing.¹

The committee [Mr. James Tilton, Mr. Arthur Lee and Mr. David Howell] to whom was referred the memorial and petition of Capt. F. Paschke of the 11th Jan^r, 1784, beg leave to report—

It appears to your committee that Capt. F. Paschke served as an officer in Count Pulaski's legion from 14 March, 1777, until the reduction of that corps the 18 May, 1780. That he afterwards held appointments in the Quarter Master's Department, in the Southern Army, until its dissolution, the 13 July, 1783; and that he has ~~obtained~~ produced ample testimonials of his bravery, integrity, capacity and industry in the service of the United States—

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 285.

On folio 289 is the following, in the writing of Samuel Osgood:

Ordered, that the Superintendent of Finance furnish Lieutenant Colonel D. Franks with guineas to defray his necessary expences.

On folio 291 is the following, in the writing of Thomas Jefferson:

Resolved, That the ratification be ~~immediately expedited in good and due form under the seal~~ in the following form to wit [here insert the ratification] and be transmitted to our ministers plenipotentiary ~~commissioned to negotiate the said treaty~~ by whom the said treaty was negotiated and signed.

On folio 293 is the following, in the writing of Arthur Lee and William Ellery:

That certified copies of the ratification of the definitive treaty be transmitted by the President to the Governors of Connecticut, of Rhode Island, and Massachusetts Bay by express, and that they be requested to forward the same by the first vessel sailing from any port in their respective states, with particular orders to the Captains, or some other trusty persons who may be going passengers to transmit ~~deliver~~ the same by express to our Ministers at Paris ~~as soon as possible~~ immediately on their arrival.

On folio 295 is the following, in the writing of James Monroe:

That the Superintendent of Finance be directed to furnish to Major Franks 200 guineas to bear his expences, of his mission with the ratification of the definitive treaty to our Ministers at Paris.

On folio 297 is the following, in the writing of Elbridge Gerry:

That a triplicate of the ratification of the definitive treaty be sent to our Plenipotentiaries, by Lt. Col. David S. Franks, who is authorized and directed to take passage in the first vessel which shall sail from any port eastward of Philadelphia for France or any port in the Channel in which neither of the other instruments of the ratification already forwarded shall have been sent, provided such vessel shall sail before the 3^d of February next.

Resolved, That a copy of this report be delivered to Capt. Paschke certified by the secretary.¹

FRIDAY, JANUARY 16, 1784.

Congress assembled: Present as before.

The committee of the week [Mr. Abiel Foster, Mr. James Tilton and Mr. Charles Morris] report, that General Armand's letter to the President, on behalf of a number of foreign officers, together with a letter from the officers of the legion who had served under the said general praying and empowering him to act on their behalf, in obtaining commutation for their half pay, and so much of the money due them as will enable them to pay their debts in this country and return to Europe; also a letter from General Duportail to General Armand on a like subject be referred to a committee²

SATURDAY, JANUARY 17, 1784.

Only six states being represented; namely, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland and Virginia; and from the state of New Hampshire, Mr. [Abiel] Foster; from Massachusetts, Mr. [Samuel] Osgood; from New Jersey, Mr. [John] Beatty; from North Carolina, Mr. [Hugh] Williamson, and from South Carolina, Mr. [Jacob] Read; the President adjourned the Congress till ten o'clock on Monday.

¹ This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 19, V, folio 37. The indorsement states that it was read on this day, and on January 21, 1784, recommitted to Mr. [James] Tilton, Mr. [Arthur] Lee and Mr. [David] Howell. The following note is added: January 23^d, the papers inclosed in the within petition were this day delivered to Capt. Paschke. See *post*, January 22.

² This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 19, I, folio 97. Committee Book, No. 186, shows that the committee, Mr. [Hugh] Williamson, Mr. [Samuel] Osgood, and Mr. [William] Ellery was appointed January 16. See *post*, January 22.

On this, or an approximate date, as the indorsement indicates, was read a letter of January 16, from John Sullivan. It is in No. 59, III, folio 69.

Also, a letter of January 16 from General Armand. It is in No. 164, folio 493.

MONDAY, JANUARY 19, 1784.

Three states only attending; namely, Massachusetts, Pennsylvania and North Carolina; and from the State of Connecticut, Mr. [Roger] Sherman; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Edward] Lloyd; from Virginia, Mr. [Thomas] Jefferson; the President adjourned Congress till ten o'clock to-morrow.

TUESDAY, JANUARY 20, 1784.

Only five states attending; viz. Rhode Island, Connecticut, Pennsylvania, Maryland and Virginia; and from the State of New Hampshire, Mr. [Abiel] Foster; from Massachusetts, Mr. [George] Partridge; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from North Carolina, Mr. [Richard Dobbs] Spaight, and from South Carolina, Mr. [Richard] Beresford; the President adjourned Congress to ten o'clock to-morrow.

WEDNESDAY, JANUARY 21, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from South Carolina, Mr. [Richard] Beresford.

The committee, consisting of Mr. [William] Ellery, Mr. Edward Hand, Mr. [Richard Dobbs] Spaight, Mr. [Thomas] Jefferson and Mr. [Arthur] Lee, to whom was referred a letter of the 6th November, from the legislature of New Hampshire, respecting the proceedings and sentence of the court of appeals in cases of capture, on the case of the ship *Lusannah*, having delivered in a report, the same was called for; Whereupon,

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery,

That the report be postponed till the State of New Hampshire, whose interests are thereby materially affected, shall be represented in Congress. The report being as follows:

Your committee find, that by a resolution of Congress of November 25, 1775, it was recommended to the legislatures of the several states, to erect courts for determining the cases of captures from the enemy on the high seas; and it was declared, that in all cases, an appeal should be allowed to Congress, or such persons as they should appoint for the trial of appeals.

That this resolution was complied with by the several states, some of them ceding appeals to Congress on a larger, and some on a more contracted scale; and New Hampshire particularly, by their act of assembly of 1776, allowing them only in cases of captures by armed vessels fitted out at the charge of the United States, and reserving the appeal in all other cases to the supreme court of their own State. That the course of Congress was, to appoint a committee, for the trial of every special appeal, till the 30th day of January, 1777, when a standing committee was appointed to hear and determine appeals, from the courts of admiralty in the respective states. That the brigantine *McClary*, a private armed vessel, owned by John Penhallow and others, citizens of New Hampshire, captured on the high seas, in the month of November, 1777, the brigantine *Lusannah*, the subject of the present question, carried her into Piscataqua, in the State of New Hampshire, and libelled her before the maritime court of the said State, whereon the said vessel and cargo were by the said court condemned.

That the claimants, Elisha Doane, and others, prayed an appeal to Congress, which being refused, they appealed to the supreme court of New Hampshire, where the sentence being confirmed, they again prayed an appeal to Congress,

which was refused, and the sentence carried into effect, by a sale and distribution of the vessel and cargo.

That on the 9th day of October, 1778, the said Elisha Doane petitioned Congress for a revision of the said sentence, which petition being referred to the committee of appeals, they, in May, 1779, summoned the libellants to appear before them in defence of their right.

That on the 22d of the same month, Congress resolved, that certain resolutions of theirs, of March 6th, 1779, relative to their controul over all jurisdictions in cases of capture on the high seas, should be transmitted to the several states, and they be respectively requested to take effectual measures for conforming therewith. That they were accordingly transmitted to the State of New Hampshire, the legislature whereof, by their act of November, 1779, extended the license of appeal to Congress, to every case wherein any subject of any foreign nation in amity with the United States, should be interested in the dispute, and allowed it no further. That in May, 1780, a court of appeals was established by Congress, with jurisdiction over all matters respecting appeals in cases of capture, then depending before Congress, or the commissioners of appeals, consisting of members of Congress. That all these transactions were prior to the completion of the Confederation, which took place on the 1st day of March, 1781. That on the 17th of September, 1783, the court of appeals proceeded to consider the case of the said Elisha Doane and others, against the brigantine *Lusannah*, John Penhallow, libellant, and to reverse the said sentence passed by the inferior and superior courts of New Hampshire. Whereupon, your committee have come to the following resolution:

Resolved, That the said capture having been made by citizens of New Hampshire, carried in and submitted to the jurisdiction of that State, before the completion of the Con-

federation, while appeals to Congress in such cases were absolutely refused by their legislature, neither Congress, nor any persons deriving authority from them, had jurisdiction in the said case.

On the question for postponing as above, the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>		
Mr. Foster,	no	} *		Mr. Mifflin,	no	} no
<i>Massachusetts,</i>				Hand,	no	
Mr. Gerry,	no	} no		<i>Delaware,</i>		
Partridge,	ay			Mr. Tilton,	ay	} *
Osgood,	no			<i>Maryland,</i>		
<i>Rhode Island,</i>				Mr. Chase,	ay	} ay
Mr. Ellery,	ay	} ay		Lloyd,	ay	
Howell,	ay			<i>Virginia,</i>		
<i>Connecticut,</i>				Mr. Jefferson,	ay	} ay
Mr. Sherman,	no	} div.		Monroe,	ay	
Wadsworth,	ay			<i>North Carolina,</i>		
<i>New Jersey,</i>				Mr. Williamson,	no	} div.
Mr. Beatty,	ay	} *		Spaight,	ay	

So it passed in the negative.]¹

After farther debate on the report, an adjournment was called for and agreed to.

The committee [Mr. John Beatty, Mr. Roger Sherman and Mr. James Monroe] to whom was referred the letter from the Superintendent of Finance of the 6th January, covering a letter from S. Hodgdon Commissary of Military stores, report,

That the demands of the iron master, together with the disposition of the shot and shells, as stated in S. Hodgdon's letter, be referred to the Superintendent of Finance to take order.²

¹ The part in brackets was entered in the Journal by Henry Remsen, Jun.

² This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, IV, folio 423. The indorsement states that it was read on this day and: "to be filed an order having been given not to sell shot or shells without a special order of Congress." The letter of the Superintendent of Finance is in No. 137, III, folio 403.

Also, a letter of December 25, 1783, Boston, from John Allan was read and referred to Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Hugh] Wil-

THURSDAY, JANUARY 22, 1784.

Congress assembled: Present as yesterday.

The committee, consisting of Mr. [James] Tilton, Mr. [Arthur] Lee and Mr. [David] Howell, to whom was referred a petition of Captain Paschke, report,

That it appears, that Captain Paschke, served as an officer in Count Pulaski's legion, from the 14 March, 1777, until the reduction of that corps, the 18 May, 1780; that on the 16 of May, 1780, Congress resolved, "that the sum of three thousand dollars currency of these states, and a bill of exchange for two hundred and fifty dollars specie, be paid to Captain Paschke, late of Count Pulaski's legion, (which being dissolved, Congress have no means of employing Captain Paschke, though a deserving officer) to enable him to return to Europe." That not chusing to cross the Atlantic during the war, he held appointments in the quartermasters' department, in the southern army, until its dissolution the 13 July, 1783: and that he has produced ample testimonials of his bravery, integrity, capacity and industry in the service of the United States. But as the definitive treaty of peace is ratified, nearly the whole of the army discharged, and the Commander in Chief has resigned his commission, it is inexpedient to make the promotion requested by Captain Paschke.¹

Resolved, That Congress agree to the said report.

The committee, consisting of Mr. [Hugh] Williamson, Mr. [Samuel] Osgood and Mr. [William] Ellery, to whom was

liamson. It is in No. 58, folio 63. According to Committee Book, No. 186, the committee reported on January 26.

Also, a letter of January 12, 1784, Philadelphia, from Eben Hazard. It is in No. folio 165.

Also, a letter of January 14, 1784, Philadelphia, from Eben Hazard. It is in No. 61, folio 169.

Also, a letter of January 4, 1784, Trenton, from George Davis. It is in No. 78, VIII, folio 51.

¹ This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 19, V, folio 35.

referred a letter of 29 October, 1783, from Major-General Duportail, requesting some immediate payment for himself and other officers belonging to the late corps of engineers; also a letter from Brigadier-General Armand of the 15 instant as well in behalf of himself and other officers belonging to the legionary corps late under his command, as of the said corps of engineers, report,

That the foreign officers lately in the service of the United States, who were not attached to the line of any particular State, complain of great and singular hardships under which they have laboured during the late war. The pay which they received for a considerable time in depreciated money, was very unequal to their actual expences, nor could they be profited by the recommendations of Congress on the subject of depreciation, which afforded immediate relief to the rest of the army, because there was no State to which they could look for the balance of their pay; hence it followed, that some of them have depended in a great measure for their support, on remittances from their friends in France, while others less fortunate, have contracted considerable debts in America. That in their present situation, they neither have the means of subsisting in America, nor of returning to their native country, unless some part of the money due them by the public shall be paid. Whereupon,

Resolved, That the superintendant of finance take order for paying to the foreign officers of the late corps of engineers, and to the foreign officers lately belonging to the legionary corps, commanded by Brigadier-General Armand, also to Major Seconde, Captain Beaulieu, late of General Pulaski's corps, and to Captain Ponthiere, late aid to the Baron Steuben, such sums on account of their pay as may be necessary to relieve them from their present embarrassments, and enable those in America to return to their native country

~~and that he take such measures for facilitating the payment of the balances which may remain due to them as may comport with the condition of the finances of the U. S.~~¹

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson,

Ordered, That the commissary of military stores be directed not to dispose of any such stores without the express order of Congress.²

Congress proceeded to the election of a chaplain, and, the ballots being taken, the Rev. Mr. Daniel Jones was elected, having been nominated by Mr. [Arthur] Lee.

Mr. J[oseph] Montgomery, a delegate for Pennsylvania, attended, and took his seat.

The committee [consisting of Mr. Samuel Osgood, Mr. Roger Sherman and Mr. William Ellery] to whom were referred two letters from the Paymaster General of the 15th of December last, submit the following report:

Resolved, That the Paymaster General be and he hereby is directed, in settling the accounts of those officers who were furloughed in consequence of the resolution of the 26th of May, 1783, not to credit them for the value of the rations between the time that they were actually furloughed and the time of their final discharge.³

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folio 95. It was also entered in the Secret Journal, Foreign Affairs. Duportail's letter is in No. 78, VIII, folio 43. Armand's letter is in No. 164, folio 489.

² This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 303.

³ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 22, folio 121. The indorsement states that it was debated this day, "Question taken and lost."

On this day, as the indorsement states, was read a letter of November 29, 1783, from Joseph Carleton, inclosing letters from Major Generals Lincoln and Knox. It was referred to Mr. [John] Beatty, Mr. [Edward] Hand and Mr. [James] Tilton. It is in No. 60, folio 35. One of Pierce's letters is in No. 165, folio 190.

FRIDAY, JANUARY 23, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia North Carolina, and South Carolina; and from the state of New Jersey, Mr. [John] Beatty, and from Delaware, Mr. [James] Tilton.

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Arthur] Lee and Mr. [Hugh] Williamson, to whom was referred a petition of Zebulon Butler, and others, claiming under the State of Connecticut, private right of soil within the territory westward of the Delaware, formerly in controversy between the said State, and that of Pennsylvania, and lately determined by a court constituted and appointed agreeably to the 9th of the Articles of Confederation and perpetual union, to be within the jurisdiction of the State of Pennsylvania, complaining that they are disturbed in their right by others, claiming under the said State of Pennsylvania, and praying that a court may be instituted under the 9th Article of the Confederation, for determining the said right.

~~Also the resolutions of the General Assembly of Connecticut and the letter and proclamation of Gov. Trumbull desiring in like manner the institution of such a court; and further notifying that the said state of Connecticut claims jurisdiction over all the lands between Pennsylvania and the Mississippi from 41° to 42° 2" northern latitude have agreed to the following resolutions:~~

Resolved, That a court be instituted according to the said ninth Article of the Confederation, for determining the private right of soil within the said territory, so far as the same is by the said article submitted to the determination of such a court.

That the 4 Monday in June next be assigned for the appearance of the parties, by their lawful agents, before Congress, or the committee of the states, wheresoever they shall be then sitting.

That notice of the assignment of the said day, be given to the parties in the following form:

To the claimants of the private right of soil within the territory westward of the Delaware, heretofore in controversy between the states of Connecticut and Pennsylvania, and adjudged by the sentence of a court constituted and appointed agreeably to the ninth of the Articles of Confederation and perpetual union, to be within the jurisdiction of the State of Pennsylvania, it is hereby made known:

That sundry individuals claiming private right of soil, under the State of Connecticut, within the said territory, have made application to Congress, stating that they have been disturbed in their said right of soil by others, claiming under the State of Pennsylvania; and praying for the institution of a court for determining the said private right of soil, in pursuance of the ninth Article of Confederation: And that the fourth Monday in June next is assigned for the appearance of the parties, by the lawful agents, before Congress, or a committee of the states, wheresoever they shall be then sitting, to proceed in the premises as by the Confederation is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*.

Resolved, That the said notice be transmitted by the secretary, to the executives of the states of Connecticut and Pennsylvania, with a request that they take proper measures for having the same served on the parties interested under their states respectively,

The committee having not had time to go through so much of the matters referred to them as relates to the claim of the said State of Connecticut to territory westward of the State of Pennsylvania beg further time for that purpose.¹

The committee consisting of M^r. [Edward] Hand, M^r. [Richard Dobbs] Spaight, and M^r. [James] Tilton, to whom was referred a letter from Major de Brahm, praying that a sum sufficient to defray the expence arising from his stay in Philadelphia, and that of his passage to Europe, may be granted him on account of his pay, &c., and applying for promotion, considering the disagreeable situation

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 19, I, folio 477. Butler's petition is in No. 42, I, folios 306-311.

and even distress Major de Brahm may be reduced to by his being detained in America which it appears to your committee must necessarily follow if he cannot procure money to enable him to return to his native country, beg leave to submit the following resolution:

Resolved, That the Superintendent of Finance be and he is hereby directed to advance Major de Brahm on account of his pay, &c., such sum as he finds necessary to enable the said Major de Brahm to return to Europe. In answer to the application of Major de Brahm for promotion, your committee submits the following resolution.

Resolved, That Major de Brahm cannot be granted the promotion he requests.¹

The committee consisting of M^r: [James] Duane, M^r: A[rthur] Lee, M^r: [James] McHenry, M^r: S[amuel] Huntington and M^r: [Richard] Peters, to whom it was referred to consider and devise the Powers with which a Committee of the States shall be vested during a recess of Congress submit the following resolution:

Resolved, That the Committee of the States which shall be appointed pursuant to the ninth article of confederation and perpetual union to sit in the recess of Congress for managing the affairs of the United States, or any nine of the said Committee shall be and hereby are authorized to perform and exercise, in the recess of Congress, all such powers and duties, as may be lawfully exercised by the United States in Congress assembled;

Provided, That no power is, or shall be deemed to be, hereby delegated to the said Committee of the States, for the exercise of which by the articles of confederation the voice of nine States, in the Congress of the United States assembled is requisite.²

[Motion of Mr. Edward Hand; referred to Mr. Edward Hand, Mr. James Tilton and Mr. Hugh Williamson]

Resolved, That _____ be and he is hereby ordered to procure and lay before Congress as soon as may be exact returns of all the military, ordnance and Quarter Master's stores, the property of

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, II, folio 27. The indorsement states that it was delivered January 10, 1784, and recommitted January 23. De Brahm's letter is on folio 23. See *post*, February 6.

² This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 23, folio 163. The indorsement states that it was delivered September 17, 1783, read on this day and referred to Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Roger] Sherman.

the United States, specifying the quantity and quality of each article ~~in what manner secured~~ where deposited in whose care and in what manner secured.¹

That the report of 22^d October, 1783, be referred to a Grand Committee to report a requisition on the States for the payment of interest on the national debt.

M^r: [Abiel] Forster.
 M^r: [George] Partridge.
 M^r: [David] Howell.
 M^r: [Roger] Sherman.
 M^r: [John] Beatty.
 M^r: [John] Montgomery.

M^r: [James] Tilton.
 M^r: [Jeremiah Townley] Chase.
 M^r: [Thomas] Jefferson.
 M^r: [Richard Dobbs] Spaight.
 M^r: [Jacob] Read.

Ordered, That they meet in the Congress Chamber to-morrow at 10 o'clock, and proceed on the business.²

MONDAY, JANUARY 26, 1784.

Congress assembled: Present as before.

On motion of Mr. [David] Howell, seconded by Mr. [Arthur] Lee.

Ordered, That the secretary deliver to Josiah Hewes, one of the directors of the Library Company of Philadelphia, two sets of the Journals of Congress, neatly bound, for the use of the said Library Company.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe, to

¹ This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 27, folio 257. The indorsement gives it this date.

² This motion, in the writing of David Howell, except the names of the members of the committee and the order, which are in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, II, folio 305. The indorsement gives it this date. The following, in the writing of Thomas Jefferson undated, is on folio 309:

That it be an instruction to the Grand Committee to prepare and report to Congress an estimate of current expences ~~of the Continent~~ from the 1st: day of January, 1784, to the 1st: day of January 1785.

whom was referred a memorial of Joseph Ward, and a petition of R. Frothingham,

The committee to whom was referred the memorial [of] Jos. Ward, late Commissary General of Musters, together with the petition of Richard Frothingham, Field Commissary of Military Stores, for himself and the officers serving under him praying that half pay may be allowed to them as it has been allowed to officers in the line of the army beg leave to report that half pay not having been promised to the officers referred to as the condition on which their services have been performed they cannot claim it as a matter of right nor would it consist with prudence to grant such a reward informed as Congress are of the sentiments of several States concerning the grants that have been already made. Wherefore, your committee submit the following resolve.

Resolved, That half-pay cannot be allowed to any officer, or to any class or denomination of officers, to whom it has not heretofore been expressly promised.¹

The Committee consisting of [Mr. Hugh Williamson, Mr. James Tilton and Mr. James Monroe] to whom was referred the memorial of Lieutenant Jn^o Chever of 17th Dec^r, 1783, praying for [pay] ten months after the time in which he was deranged alledging that he was employed during that period to guard British prisoners at Frederick Town at the request of the Governor and Council of the State of Maryland beg leave to report,

That they do not find that Lieutenant Chever was on duty during the time referred to under the command of any Continental officer, but in the service of a particular State who will doubtless reward his services wherefore they submit the following resolve,

That the request of Licu^o Jn^o Chever to be allowed full pay from the 1st of Jany, 1783, when he was deranged, till Nov^r following cannot be granted.²

On this day, according to Committee Book No. 186, the report of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Arthur] Lee, of

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 149.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folio 571. The indorsement states that it was read this day and ordered to be filed.

December 29, 1783, on Mr. [Elbridge] Gerry's motion of December 24, respecting the books and papers of the office of the Secretary for Foreign Affairs, was committed. Mr. Gerry offered a new motion February 27 which was negatived that same day.

Also on this date, the report of a committee on an Address to the States on the subject of commerce, a motion of Mr. [James] McHenry and an act of the legislature of Virginia empowering Congress to take measures for counteracting the proclamation of the King of Great Britain restricting trade was referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read. The Virginia act is in No. 75, folio 391. The committee was renewed February 6, Mr. Lee was dropped and Mr. [Hugh] Williamson and Mr. [Jeremiah Townley] Chase added. On April 14, Mr. Thomas Jefferson was added and the instructions to the delegates of Pennsylvania, of February 5, were referred to the committee which reported April 22.

The Committee [Mr. Thomas Jefferson, Mr. Samuel Osgood and Mr. Arthur Lee] to whom was referred the motion of Mr. [Elbridge] Gerry for procuring access to the papers of the office for foreign affairs, have agreed to the following Resolution:

Resolved, That a Deputy Secretary for foreign affairs, should be appointed at some early day.¹

TUESDAY, JANUARY 27, 1784.

Three states only attending; namely, Massachusetts, Connecticut and North Carolina and from the State of Pennsylvania, Mr. [Thomas] Mifflin, and from the State of South Carolina, Mr. [Jacob] Read; the President adjourned Congress till ten o'clock to-morrow.²

WEDNESDAY, JANUARY 28, 1784.

Five states only attending; namely, Massachusetts, Rhode Island, Connecticut, Pennsylvania and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 25, II, folio 331. The indorsement states that it was referred on this day to Mr. [Roger] Sherman, Mr. [Samuel] Osgood and Mr. [Jacob] Read.

² This paragraph was entered in the Journal by Henry Remsen, Jun.

New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase; from Virginia, Mr. [James] Monroe, and from South Carolina, Mr. [Richard] Beresford; the President adjourned Congress till ten o'clock to-morrow.

THURSDAY, JANUARY 29, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia and North Carolina: and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr [James] Tilton, and from South Carolina, Mr. [Richard] Beresford.

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Thomas] Jefferson and Mr. [Samuel] Osgood, to whom was referred a letter of 20 December, 1783, from J. Carlton, secretary in the war office.

Resolved, That the secretary in the war office be, and he is hereby authorized and directed, to issue such commissions for promotions obtained in 1782, and such brevet commissions under the act of Congress of the 30 September, 1783, and other subsequent resolves, as ~~remained unissued at the time of the resignation of the late Secretary for the Department at War~~ have not been issued; to issue warrants on the paymaster in favor of officers who were of the lines southward of Maryland, for such rations retained in October, November and December, 1782, as have not yet been settled for, and for pay and subsistence advanced to the army since the first day of January last; to make monthly estimates for the government of the Superintendent of Finance, of subsistence for the officers retained in service.

Resolved, That regular returns of military stores and of the troops retained in service, be made to the war office.¹

¹ The report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, I, folio 521. The words crossed out so appear in the report and not in the Journal. Carleton's letter is in No. 60, folio 41.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [James] Tilton and Mr. [Hugh] Williamson, to whom was referred a motion of Mr. [Edward] Hand [of January 23],

Resolved, That the principals in the several departments of quartermaster general, commissary of military stores, cloathier, and of the hospital, be, and they are hereby ordered to transmit, as soon as may be, to the war office, to be laid before Congress, exact returns of all the stores in their respective departments, specifying the quantity and quality of each article, where deposited, in whose care, and in what manner secured.

Ordered, That Mr. Joseph Carlton, secretary in the war office, take the speediest and most effectual method of conveying the foregoing resolution to such persons as are affected thereby, in any part of the United States.¹

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Hugh] Williamson, to whom were referred a letter of 25 December, 1783, from John Allan, and the papers therein enclosed,

Resolved, That a copy of the said letter be sent to the governor of Massachusetts, with a recommendation, that he cause enquiry to be made, whether the encroachments therein suggested, have been actually made on the territories of the ~~United States~~ State of Massachusetts, by the subjects of his Britannic Majesty, from the government of Nova Scotia, and if he shall find any such to have been made, that he send a representation thereof to the British governor of Nova Scotia, with a copy of the Proclamation of the United States of the 14 instant which is to be enclosed to the governor of Massachusetts for that purpose, requesting him in a friendly manner, and as a proof of that disposition for peace

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 27, folio 255.

and harmony which should subsist between neighboring states, to recall from off the said territory, the said subjects of his Britannic Majesty, so found to have encroached thereon; and that the governor of Massachusetts be requested to inform Congress of his proceedings herein, and the result thereof.¹

The report of the committee, on a letter of the 6 November, from the legislature of New Hampshire, touching the proceedings and sentence of the court of appeals in cases of capture, on the case of the ~~Ship~~ Brig *Lusannah*, having been called for, and the same being read, as entered on the Journal of the 21 instant,

A motion was made by Mr. [David] Howell, seconded by Mr. [Edward] Hand,

That the consideration thereof be postponed; and on the question for postponing, the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire,</i>			<i>Delaware,</i>	
Mr. Foster,	no	} *	Mr. Tilton,	ay
<i>Massachusetts,</i>			<i>Maryland,</i>	
Mr. Partridge,	ay	} ay	Mr. Chase,	ay
Osgood,	ay	}	Lloyd.	ay
<i>Rhode Island,</i>			<i>Virginia,</i>	
Mr. Ellery,	ay	} ay	Mr. Jefferson,	ay
Howell,	ay	}	Lee,	no
<i>Connecticut,</i>			Monroe,	ay
Mr. Sherman,	ay	} ay	<i>North Carolina</i>	
Wadsworth,	ay	}	Mr. Williamson,	ay
<i>New Jersey,</i>			Spaight,	ay
Mr. Beatty,	ay	} *	<i>South Carolina,</i>	
<i>Pennsylvania,</i>			Mr. Beresford,	ay
Mr. Mifflin,	ay	} ay		
Montgomery,	ay	}		
Hand,	ay	}		

So it was resolved in the affirmative.

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 19, I, folio 57. See *ante* January 6.

[Motion of M^r: Hugh Williamson. 29th January, 1784. Referred to M^r: Thomas Jefferson, M^r: Hugh Williamson M^r: David Howell.]

Resolved, That his late Commission be returned to General Washington in a neat gold box to be preserved among the archives of his family.¹

The Committee consisting of Mr. [William] Ellery, Mr. [Samuel] Osgood and Mr. [Edward] Hand to whom the letter of Major Gen^l Knox of the 3^d of January current with its enclosures was referred offer the following report,

It appears to your committee from an inspection of said letter and its enclosures, that Major Gen^l Knox has made the necessary provisions and arrangements for the security and preservation of the military stores and for the subsistence and cloathing for the troops in the department under his superintendance, that he has reduced the hospital department, and that measures were taken for making suitable reductions in the Cloathiers and Quarter Master's departments;

That in consequence of directions from Gen^l Washington the several lines which composed the troops in that quarter are dissolved, and that one regiment of infantry commanded by Brig. Gen^l Henry Jackson and fully officered, consisting of five hundred rank and file is formed of the men whose times of service do not expire until the year 1785 and a corps of Artillery under the command of Major Beauman of about one hundred and twenty;—That one comp^y of infantry would be detached to Springfield to guard the valuable public stores deposited there, a detachment of artillery at Albany, and in its neighborhood were order'd to fort Schuyler to guard certain stores which were sent there the last summer with an intention of taking possession of the posts on the western lakes;—that a company and a small detachment of artillery *will* be stationed at New York at the request and under the orders of his Excellency Gov^r Clinton until the powers of the civil government are fully established; and that the remainder of the infantry and the corps of artillery would be stationed in the garrison at West-point and its immediate dependencies:—

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 307. The indorsement shows that it was presented and referred as above. It does not appear that the committee ever reported. The commission remained with the archives of Congress.

That great quantities of shot and shells are laying up at the furnaces where they were made and it is the opinion of Gen^l Knox that those at Mount-Hope and Hibernia in N. Jersey and those at Salisbury in Connecticut should be collected to the post at West-point.

That Gen^l Washington had directed him to continue to superintend the posts and military affairs in that department until the pleasure of Congress should be known, that after the several arrangements were made of the public business he was permitted to attend to his own private affairs in Boston, and that he should soon set out for that place.

Whereupon the following is submitted

Resolved, That Congress entertain a just sense of the attention of Major Gen^l Knox to the business of his department, and approve of the arrangements he hath made for the security and preservation of the public military stores; for the subsistence of the troops under his command, and for the reduction of the hospital, Cloathiers, and Quarter Master's department.

The necessary arrangements having been made for the preservation and security of the public military stores so far as the same come under the direction of a military command, and the army reduced to one regiment of infantry and a small detachment of Artillery, your committee submit to the consideration of Congress whether it be necessary to continue a Major Gen^l in Command of the department or West-point, with the pay annexed to a separate department.

Your committee are of opinion that a consideration of the utility of collecting the shot and shells that are at Mount-Hope and Hibernia in the State of N. Jersey and at Salisbury in Connecticut to the post at West-point, cannot be properly taken up until complete returns shall have been made to Congress from the War-Office agreeably to the resolution of ———

Resolved, That previously to stationing a body of troops at New York to be under the orders of the Governor, until the powers of the civil government of the state of New York shall be established, a request therefor ought to be made to and granted by Congress.¹

¹ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 38, folio 371. According to the indorsement it was delivered and read this day. Knox's letter and its enclosures are on folios 375-395.

FRIDAY, JANUARY 30, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the state of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty, and from Delaware, Mr. [James] Tilton.

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Samuel] Hardy and Mr. [William] Ellery, to whom was referred a letter of 20 December, 1783, from the Superintendent of finance, enclosing two contracts made between the Board of War and Mr. James Byers, and a proposition made by the said James Byers, on compliance with which he is willing to relinquish his contract.

The Committee to whom was referred the letter from the Superintendent of finance of the 20th of Dec^r, 1783, enclosing two contracts made between the Board of War and M^r James Byers, submit the following report.

That the Board of War and Ordnance did on the 21st of Feby: 1778, in consequence of the following resolution of Congress, viz, "That the Board of War and Ordnance be empowered to make a contract with M^r Beyers as Superintendent of a Foundry of brass cannon" contract with M^r Boyers to give him a constant salary of eight hundred dollars per annum during his good behavior and ~~only~~ four rations of provision and one ration of forage ~~not per day but~~ during the then present war, and over and above these allowances twenty four ninetieths of a dollar for every pound of ordnance he should cast.

That the Superintendent of Finance states that on the 10th of June, 1782, there was due to the said Boyers 3,431 dollars and 51 ninetieths on account of the above contract.

~~That your committee not having the documents therefor cannot determine on what principles the account was adjusted, whether as the contract was made when the money of the United States was considerably depreciated the sum was reduced by the scale established or not.~~

That on the 20th of May, 1782, the said Boyers agreed, with the late Secretary at War to relinquish that part of the contract which

allowed him twenty four ninetieths of a dollar for every pound of ordnance he should cast and in lieu thereof to receive two dollars per day to continue during pleasure.

That the Superintendant of Finance has not stated how much is due under the last mentioned contract, but your Committee are of opinion, if the said Boyers has not received money on account, there may be about 2,000 dollars due.

That the said Boyers agrees to relinquish his contract which allows him 800 dollars per annum during life upon the receipt of half the debt due to him, by the public; the other half to remain on interest which may amount to about 3000 dollars.

That as the said Boyers' life annuity may be worth about ten years purchase in ready money the proposal if agreed to would ~~save~~ be in favor of the United States about 8,000 dollars.

But your committee are of opinion that notwithstanding the proposed advantage, justice and good faith due to the other creditors of the United States will not permit that an order should issue for the immediate payment of a definite and much less of an indefinite sum.

~~They are farther of opinion that in case the said Boyers adheres to his contract, the United States have a right to his constant services, as he has stipulated indefinitely to obey the directions of the Board of War and Commissary of Military Stores; that the situation of the United States is such that his services in future may be dispensed with, in case he relinquishes his supposed right to 800 dollars per annum, otherwise that the Commissary of Military Stores should give him such directions as may tend to render his services beneficial to the United States.~~

~~That the said Commissary of Military Stores should propose to the said Boyers, in behalf of the United States, to relinquish all right to his services in future a mutual relinquishment of right and title to services and salary.~~

Wherefore, the following resolution is submitted:

Resolved, That the proposal of Mr. James Byers, contained in the letter of 20 December, 1783, from the Superintendant of finance, cannot be complied with.

Resolved, That the ~~Commissary of Military Stores~~ Superintendant of finance propose to Mr. James Byers, in behalf

of the United States, a mutual relinquishment of right and title to services and salary, and in case Mr. Byers shall not assent to the proposition, that the ~~said~~ commissary of military stores give him such directions as he is obliged to conform to by his contract.¹

On the report of a committee, consisting of Mr. [John] Beatty, Mr. [James] Wadsworth and Mr. [Samuel] Osgood, to whom was referred a memorial of Calvin Partridge, administrator to the estate of the late Colonel Alden, and guardian to the children he left, praying that he may be enabled to draw four years' pay now due to the widow of the deceased.

Resolved, That as Congress, by their act of the 24 August 1780, have made provision for the widows of deceased officers, and in case there be no widow, or of her intermarriage, for the children of the deceased officer, it is inexpedient at present to alter the mode prescribed for the payment of the half-pay therein promised.²

On the report of a committee, consisting of Mr. [James] Monroe, Mr. [George] Partridge and Mr. [Hugh] Williamson, to whom was referred a letter of 23 December, 1783, from Daniel Parker, stating, that a ship called *The Empress of China*, will shortly sail from New York, for Canton, in China, under the command of Captain John Green, and requesting sea-letters for said Green.

Resolved, That sea-letters be granted for said Captain John Green, in the form following:

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise, and prudent Emperors, Kings, Repub-

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, I, folio 481. The letter of the Superintendent of Finance is in No. 137, III, folio 303. It was read December 27, 1783, and on January 9, 1784, referred to the committee.

² This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, V, folio 33. Partridge's Memorial is in No. 41, VIII, folio 68.

lics, Princes, Dukes, Earls, Barons, Lords, Burgomasters, Councilors, as also judges, officers, justiciaries and regents of all the good cities and places, whether ecclesiastical or secular, who shall see these Patents or hear them read:

We the United States in Congress assembled, make known, that John Green, captain of the ship called the *Empress of China*, is a citizen of the United States of America, and that the ship which he commands belongs to citizens of the said United States, and as we wish to see the said John Green prosper in his lawful affairs, our prayer is to all the beforementioned, and to each of them separately, where the said John Green shall arrive with his vessel and cargo, that they may please to receive him with goodness, and treat him in a becoming manner, permitting him upon the usual tolls and expences in passing and repassing, to pass, navigate and frequent the ports, passes and territories, to the end, to transact his business where and in what manner he shall judge proper, whereof we shall be willingly indebted.

In testimony whereof, &c. &c.¹

The Committee consisting of M^r [Arthur] Lee, M^r [Elbridge] Gerry, and M^r [Jacob] Read to whom the copy of a letter from M^r Van Berckel respecting M. Dumas was referred, beg leave to report, that the papers in the office of foreign affairs being inaccessible, they have not been able to trace the sums which have from time to time been paid to M^r Dumas for his services, nor to ascertain what was the agreement entered into or the promises made to him by the Secret Committee, in consequence of which he is said to have quitted his former occupation in order to devote himself to the service of the U. S. The Committee can only recommend the following resolutions.

Resolved, That the Ministers Plenipotentiary of the U. S. in Europe be directed to enquire into the sacrifices and services of C. G. W. Dumas, and the salaries he has received for the same, and if the latter have not been adequate to the former, that they allow him such an additional sum of money as shall be a final compensation for the sacrifices he may have made, and the services he has rendered.

Resolved, That Congress do not think it proper to employ a subject

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 19, V, folio 11. Parker's letter is in No. 78, XVIII, folio 509.

of any other nation, in Ministerial offices of confidence at Foreign Courts.¹

The Committee [Mr. David Howell, Mr. Arthur Lee and Mr. James Tilton] to whom was referred a letter of Dec^r 13, 1783, from Jo^s Reed, Esquire, offer to Congress the following report:

Resolved, That Congress always entertained a high sense of the zeal, abilities and activity in the public service manifested by Joseph Reed, Esquire, formerly Adjutant General in the service of the United States, and late President of the State of Pennsylvania.²

The Committee [Mr. Roger Sherman, Mr. James Tilton and Mr. George Partridge] to whom was referred the petition of Captain Ebenezer Sullivan one of the hostages delivered to the enemy for the redemption of the prisoners taken at the Cedars in Canada on the 20th May, 1776, praying for a settlement of his accounts of pay and rations, and an allowance for his sufferings loss of clothing &c., report—

That it appears by the journals of Congress that on the third of April, 1778, the Board of Treasury reported that the sum of one thousand and eleven dollars should be paid him in full compensation of his services and sufferings as a hostage for the troops taken by the enemy at the Cedars in May, 1776, which was ordered by Congress to be paid. That by the resolutions of the 30th March and the 19th of May, 1778, he was entitled to pay and rations, while in the enemy's possession and to pay, without rations when on parole. That it appears by the certificates of the Commissary of prisoners, that the said hostages were released the 11th of February 1782. That on the 25th of May, 1781, it was resolved, That all officers who are hostages, and are liable to be called for by the enemy, and are not continued in the line of any State, shall be entitled to their full pay until redeemed, and to half pay for life afterwards, in the same manner as officers of equal rank redeemed by the late arrangement. And by Captain Sullivan's account he received his pay in bills of the New Emissions, to the last day of August 1780. Whereupon the Committee submit the following resolution.

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, II, folio 157. It was delivered this day, the indorsement states. See *post*, December 10, 1784.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, V, folio 237. The indorsement states that it was read on this day.

~~Resolved, That John Pierce paymaster general be authorized and directed to adjust and settle the accounts of Captain Ebenezer Sullivan and give him a certificate for what may appear to be justly due to him in the same manner as is given to other officers of the line of the army~~

Resolved, That the Superintendant of Finance be directed to take order for the settlement of the accounts of Captain Ebenezer Sullivan agreeably to the Resolutions of Congress, and for issuing a certificate for what may appear to be justly due to him of the same tenor as those issued to the officers of the line of the army.¹

MONDAY, FEBRUARY 2, 1784.

Congress assembled: Present, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [William] Ellery; from New Jersey, Mr. [John] Beatty, and from Delaware, Mr. [James] Tilton.

[Robert Morris's report.]

MARINE OFFICE, 21st January, 1784.

SIR:

On Receipt of the Petition of Nathaniel Greenwood, together with the Order of Congress of the ninth Instant to report I transmitted them to the Commissioner of the Accounts of that Department. I now humbly beg Leave to report to Congress a Copy of his Letter on that Subject to me.

[Enclosure: Joseph Pennell's letter to Morris.]

MARINE OFFICE, PHILAD^a. 20th January, 1784.

SIR:

I cannot find amongst the Marine Papers anything to satisfy me that the Brig *Washington* Capt. Martindale was a Continental Vessel though I meet with some circumstances which induce me to believe

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 465. The indorsement states that it was delivered January 29 and on January 30 the question taken and passed in the negative. Sullivan's petition is in No. 42, VII, folio 174.

that she was one of those Vessels fitted out by Order of his Excellency Gen^l Washington in the early part of the War and as the Certificates accompanying the Petition of Mr. Nathaniel Greenwood neither ascertain the Time or Terms of his Entry nor his Station on board the *Washington* admitting her to have been a Continental Vessel of War it will be necessary to enquire further into the matter I therefore beg leave to submit the following Report Viz^t The Agent of Marine to whom was referred the Petition of Nathaniel Greenwood together with its Inclosures by Resolve of Congress of 9th Inst. begs leave to Report that as Congress have directed that the Marine Accounts prior to 1st January, 1782, be settled by Commission the said Petition together with its Inclosures be referred to the Commissioner appointed to settle those Accounts. I return you the Resolve with its Inclosures.¹

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folios 439-443. According to the indorsement, it was read February 2, and entered.

On this day, according to the indorsement, was read a letter from General J. Sullivan, dated Philadelphia, January 24, 1784. It is in the *Papers of the Continental Congress*, No. 44, folio 225.

Also, a copy of a letter, dated Havannah, December 14, 1783, from Oliver Pollock, which was referred February 3 to Mr. [Jacob] Read, Mr. [Thomas] Jefferson and Mr. [Jeremiah Townley] Chase. It is in No. 50, folio 417.

Also, a letter of January 21 from the Superintendent of Finance. It was referred to Mr. [William] Ellery, Mr. [John] Beatty and Mr. [Abiel] Foster. It is in No. 137, III, folio 431.

Also, another letter of February 2 from the Superintendent of Finance. It is in No. 137, III, folio 451.

Also, another letter of January 21 from the Superintendent of Finance. The indorsement states that it was referred February 3 to the Grand Committee of January 23. It is in No. 137, Appendix, folio 313.

Also, a letter of December 16, 1783, from Major General Philip Schuyler. It was referred to Mr. [Arthur] Lee, Mr. [Thomas] Jefferson and Mr. [Hugh] Williamson. It is in No. 153, III, folio 629.

Also, a letter of January 24, 1784, from the Superintendent of Finance. It is in No. 36, folio 75.

Also, a letter of January 20, 1784, from the governor of New York. It is in No. 36, folio 79.

Also, a letter of January 21, 1784, from Major General Robert Howe. It is in No. 36, folio 99.

Also, a memorial of February 2, 1784, from refugees from Canada, which was referred to Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry and Mr. [Edward] Hand. It is in No. 35, folio 197.

Also, a letter of February 2, 1784, from William Duer relative to the Canadian refugees. It is in folio 199.

TUESDAY, FEBRUARY 3, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty, and from Delaware, Mr. [James] Tilton.

The committee, consisting of Mr. [Jeremiah Townley] Chase, Mr. [Edward] Hand and Mr. [Roger] Sherman, to whom was referred a letter of 29 January, from J. Carlton, secretary in the war office, stating, that on the final adjustment of his accounts, as paymaster to the late Board of War and Ordnance, there remains a balance of 320 dollars due from him to the United States, report,

“That they find upwards of sixty millions of dollars passed through the hands of Mr. Carlton in his negotiations, and in the opinion of the committee, the loss of three hundred and twenty dollars, in the course of business of such extent, is very inconsiderable, and cannot be imputed to want of fidelity or neglect, but to unavoidable casualty:” Whereupon,

Resolved, That the register of the treasury be, and he is hereby directed in the settlement of the account of the said Joseph Carlton, to credit him with three hundred and twenty dollars for the loss thus by him sustained.¹

On the report of a committee, consisting of Mr. [John] Beatty, Mr. [Edward] Hand and Mr. [James] Tilton, to whom was referred a letter of 19 January, from Lieutenant Colonel Murnan, of the corps of engineers, desiring leave to resign,

The committee to whom was recommitted the letter and papers from Lt. Col. Murnan, requesting leave to resign his Commission and

¹ This report, in the writing of Jeremiah Townley Chase, is in the *Papers of the Continental Congress*, No. 19, I, folio 523. Carleton's letter is in No. 60, folio 45.

be furnished with letters of recommendation to the French Ministry, beg leave to report: That since the recommitment of the papers, they have received a letter from the Sec^y at War "acquainting them that" about two months ago, the Com^y in Chief gave it as his opinion, that the Officers of the Corps of Engineers, who are now in America, should be retained in service: for the purpose of Superintending the works and fortifications of the United States that are now, or hereafter shall be established on the Frontiers for the defence of the Western inhabitants and that the Officers of this Corps, in consequence of this opinion consider themselves in service ~~and entitled to the emoluments of their commissions up to this time.~~ Wherefore your committee submit the following resolutions:

That Lt. Col. Murnan has produced many ample and honorary testimonials of his having distinguished himself a zealous, active, intelligent and brave Officer from the Com^y in chief and the several General Officers under whose particular orders he has at different times served. Wherefore your Committee submit the following resolutions:

Resolved, That the resignation of Lieutenant Colonel Murnan be accepted.

Resolved, That Congress entertain a due sense of Lieutenant Colonel Murnan's abilities and services; ~~and freely render him this testimony of their entire approbation of his conduct; and that the secretary be directed to furnish him with a copy of this resolution,~~ and that the secretary deliver him a copy of this act, as a testimony of their approbation of his conduct.¹

On the report of a committee, consisting of Mr. [Roger] Sherman, Mr. [Samuel] Osgood and Mr. [Jacob] Read, to whom was referred a motion of Mr. [Elbridge] Gerry, respecting the papers belonging to the office for foreign affairs,

Resolved, That an under secretary be appointed to take the charge of the papers belonging to the office ~~of the late~~

¹ The report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, IV, folio 469. The words crossed out so appear in the report and not in the Journal. Murnan's letter is in No. 78, XVI, folio 403.

Secretary for foreign affairs, until the further order of Congress: ~~that the members of Congress have liberty to peruse them in the office, that no other persons have access to them and that none of them be taken out of the office nor any copies or extracts taken from them without the special permission of Congress and~~ and that the said under secretary make and lay before Congress, a list of the said papers.¹

Ordered, That Thursday next be assigned for the election of the said under secretary.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom was referred a letter from Brigadier General Armand, in behalf of the foreign officers of the corps of engineers, the legionary corps, &c.

The Committee consisting of M^r. [Edward] Hand, M^r. [David] Howell, and M^r. [Hugh] Williamson to whom was referred a letter from Brigadier General Armand of the 26th Jany., 1784, in behalf of himself and the other foreign officers, requesting that measures may be taken for securing the punctual payment of the interest arising on the balances of pay due to them, beg leave to offer the following resolve:

Resolved, That the Superintendant of finance be, and he is hereby directed to take measures, as far as may be consistent with the finances of the United States, for remitting annually to the foreign officers of the late corps of engineers, the legionary corps lately commanded by Brigadier General Armand, to Major Segond and Captain Beaulieu, late of General Pulaski's corps and to Captain Pontiere, late aid-de-camp to Baron Steuben, the interest of such sums as may remain due to them respectively, after the payments which

¹ The report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 25, II, folio 329. The words crossed out so appear in the report and not in the Journal.

shall have been made to them in consequence of the resolution of the 22d of January last.¹

The Committee of the Week [Mr. John Montgomery, Mr. Richard Beresford and Mr. Elbridge Gerry] report that the memorial of Lieutenant Palmer Cady of General Hazen's regiment, be read in congress.²

The Committee [Mr. John Beatty, Mr. Edward Hand and Mr. James Tilton] to whom was referred a Letter from B. Gen. Armand, praying for the promotion of Captains De Bert and Le Brun, and Lieuts. De Fontivier and Verdier, late of the Legion, and that Congress would also be pleased to accept his resignation; and the Letter from the Chevalier de la Luzerne, requesting the promotion of Lieuts. Le Roy and Marcellin, late of the Pen^a Line, beg leave to report,

That on perusing the papers before them, and the Journals of Congress, they find that the greater part of the Foreign Officers who have served in the army of the United States, have at different times been promoted. That applications for the promotion of those gentlemen were made to Congress when assembled at Princeton, and would probably have been attended with equal success with those of Captains Second, du Pontiere, l'Enfant, Majors Villfranche and Murnan had not the adjournment of Congress intervened. That they conceive it will reflect dishonor on them, since they are going to France where their merit and conduct will be judged of by the marks of approbation Congress shall bestow on them compared with those they have given to others. That they have served with great reputation in the American army until its dissolution, as appears from testimonials produced.

Your Committee therefore propose the following Resolutions:

Resolved, That the commissions of Majors by Brevet in the army of the U. S. be issued to Captains de Berdt and Le Brun, and the Commissions of Captains by Brevet be issued to Lieutenants Fontivier, Verdier, Le Roy and Marcellin.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, I, folio 99. It was also entered in the Secret Journal, Foreign Affairs. Armand's letter is in No. 164, folio 501.

² This report, in the writing of Richard Beresford, is in the *Papers of the Continental Congress*, No. 19, I, folio 492, indorsed upon the memorial. It was read on February 3 and referred to Mr. [Edward] Hand, Mr. [John] Beatty and Mr. [Abiel] Foster.

Resolved, That the Resignation of Brig^d Genl^l Armand be accepted.

Resolved, That Congress entertain a high and grateful sense of the many signal services rendered by B. Gen: Armand in the course of the late war, and that they request him to receive this public testimony of their entire approbation of his conduct as a tribute justly due to his distinguished merit.¹

WEDNESDAY, FEBRUARY 4, 1784.

Six states only attending; viz. Rhode Island, Connecticut, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Massachusetts, Mr. [George] Partridge; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase; the President adjourned Congress till ten o'clock to-morrow.

THURSDAY, FEBRUARY 5, 1784.

Six states only attending: viz. Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [David] Howell; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from South Carolina, Mr. [Richard] Beresford; the President adjourned Congress to ten o'clock to-morrow.

FRIDAY, FEBRUARY 6, 1784.

Congress assembled: Present, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the State of Rhode Island,||

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 25, II, folio 337. The indorsement states that it was read on January 30, and on this day referred to Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [Edward] Hand.

On this day, according to the indorsement, was read a letter from Governor George Clinton, dated January 31, regarding garrisons for the western posts. It was referred to Mr. [Arthur] Lee, Mr. [Roger] Sherman and Mr. [Jacob] Read, who reported February 23. See *Post* April 3.

Mr. [William] Ellery||; from New Jersey, Mr. [John] Beatty, and from Delaware, Mr. [James] Tilton.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [Edward] Hand, to whom was re-committed a report on a letter of 22 January, from Brigadier-General Armand, and a letter from the honorable the Minister of France,

The Committee consisting of [Mr. Hugh Williamson, Mr. Jacob Read and Mr. Edward Hand] to whom were referred letters from the Minister of France, from B^r Genl. Armand ~~and from Mr. General Duportail~~ with sundry other papers requesting that promotion may be granted to certain foreign officers, beg leave to report that from the letters and papers in their hands, it appears that during the session of the late Congress and before the resignation of the Com^r in Chief applications had been made by the minister of France in favour of Lieuts. Le Roy and Marcellin, and by General Armand in favor of Captains De Birt and Le Brun and of Lieuts. Verdier and Fontivieux, ~~that on the sixth of November, an application was made by Major General Du Portail in favor of Captain Castaign his Aid de Camp who had served with him during the sieges of Chas. Town and York without obtaining any special promotion,~~ and that on the 19th of Nov. last Captain Houdin had petitioned for promotion, his request being supported by certificates from the Commander in Chief and sundry other general officers. It further appears that the gentlemen referred to during several years active service here, acquired the reputation of vigilant and good officers. That about the time in which these applications were made, sundry other foreign officers were promoted whose claims and services were similar to those of the officers just mentioned, whence it is apprehended that as the applications were made in due time and while those officers ~~in general~~ were in service, their want of success, which appears to have been accidental may bear a construction unfavourable to the character of those officers, when they return to their native Country, wherefore your Committee submit the following resolve:

That the Commissions of Major by Brevet be issued to Capt. De Bert, Capt. Le Brun ~~Capt. Castaign~~ and Capt. M^r G. Houdin, and

the Commissions of Captains by Brevet be issued to Lieuts. Verdier, Lieut. Fontivieux Lieut. Le Roy and Lieut. Marcellin.

~~Major De Brahm who has served near six years as a major in the Corps of Engineers, having represented that his leave of absence from the service of his Prince the Elector of Thiers did not extend beyond the continuance of the war in America, and requested such marks of attention as have been shown to other foreign officers in like circumstances,~~

~~Resolved, That the Commission of Lt. Col. by Brevet be granted to Ferd^d J. S. de Brahm, and that he be informed by the Under Secretary at War that his farther services to the U. S. are dispensed with.¹~~

Resolved, That the commissions of major by brevet, be issued to Captains De Bert, Le Brun Castaigne and M. G. Houdin; and the commissions of captain by brevet, be issued to Lieutenants Verdier, Fontivieux, Le Roy and Marcellin.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Richard Dobbs] Spaight and Mr. [James] Tilton, to whom was referred a letter from Major F. J. S. de Brahm,

The Committee consisting of M^r [Edward] Hand, M^r [Richard Dobbs] Spaight, and M^r [James] Tilton to whom was recommitted a letter of the 29 Dec^r 1783 from Major de Brahm praying that a sum sufficient to defray the expence arising from his stay in Philadelphia and that of his passage to Europe may be granted him on account of his pay, &c., and applying for promotion, Report that his request as far as it respects an advance of money has been complied with by a resolution of Congress of the 22 January, 1784.

On his application for promotion, your committee report, that Major de Brahm has served in the rank of Major from the 11 February, 1778, and that in their opinion the indulgence which has been generally granted to other Foreign officers, ought to be extended to Major de Brahm. They therefore submit the following resolution.

Resolved, That a brevet commission of lieutenant colonel, be issued to Major de Brahm, of the late corps of engineers,

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 335.

and that he be informed that his farther services are dispensed with.¹

Ordered, That the order of the day for electing an under secretary, to take charge of the papers in the office for foreign affairs, be postponed to Tuesday next.

The Committee consisting of M^r [William] Ellery, M^r [John] Beatty and M^r [Abiel] Foster to whom the letter of the Superintendent of Finance of the 16th January, 1784, respecting a claim of D. Sprout for Money advanced to the Naval prisoners with its enclosure was referred, report,

That if any supplies were furnished by David Sprout to any citizens of the United States while they were prisoners to the British during the late War, at the request of States to which they belonged, or at the request of such citizens; to such States or citizens he should apply for compensation; but as it appears from his letter that no public charge was ever intended to be made by him, the United States in Congress assembled are not accountable.²

Extract of instructions from the general Assembly of Pennsylvania to their Delegates in Congress dated Dec^r 9th 1783:

“This state as a Member of the republic of the United States has ever considered its immediate interest but in subordination to that of the great whole, and as national honor is of the first consideration, this house cannot be too solicitous that all engagements to the public creditors of every species and particularly the army who have so distinguished a claim to our esteem and gratitude, should be faithfully performed. They are therefore of opinion that the requisitions of Congress upon the states for funds, if yet insufficient, should be extended till they are fully commensurate to this object; and that the business of setting off the lands designed by Congress for our line should be expedited, and the allotment of them in the vicinity of their other lands granted by this state requires your particular attention it being considered by them as an essential point.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, II, folio 21. Armand's letter is in No. 164, folio 497. On January 22 it was referred to Mr. [John] Beatty, Mr. [Edward] Hand and Mr. [James] Tilton, and recommitted at some later day.

² This report, in the writing of Abiel Foster, is in the *Papers of the Continental Congress*, No. 19, V, folio 381. The indorsement states that it was read this day and on February 11, 1784, referred to Mr. [Jacob] Read, Mr. [Richard Dobbs] Spaight and Mr. [James] Tilton. See *post*, May 3.

Certain measures now pursuing by some European states having a tendency materially to injure the general trade of America the attention of this house is naturally turned to the affairs of Commerce and herein are struck with an apparent defect in the constitution of Congress for as the local exercise within the states, of the powers of regulating and controlling trade, can result only in discordant systems productive of internal jealousies and competitions, and illy calculated to oppose or counteract foreign measures, which are the effect of an unity of Council; this house are clearly of opinion that the individual as well as general good will be best consulted, by relinquishing to Congress all these separate and independant powers,

And this house are willing and desirous on the part of Pennsylvania to concur in substantiating this idea, by the necessary legal acts.

Another object of national consideration has been the establishment of a mint, and this house are desirous, your abilities should be employed to carry that useful design into effect."

Submitted by

THOMAS MIFFLIN.
JOHN MONTGOMERY.
EDW^d HAND.

ANNAPOLIS, 5th February 1784.¹

[Motion of Mr. Jacob Read.]

Resolved, That the deputies from the late hostile Tribes of the Six Nations now assembled at be informed by the Commissioners for Indian affairs, that Congress are well pleased with their visit and accept it as a mark of their disposition to renew the friendship which subsisted so many ages between their ancestors and the citizens of these States.

That Congress have resolved to take the earliest opportunity to enter into a treaty of friendship and commerce with the Six Nations and other Indians lately at War, and for that purpose will appoint Commissioners to meet their chief men at ~~the-Jenesee-upper-town~~ some proper place on the first day of June, and that in the interim

¹ This extract is in the *Papers of the Continental Congress*, No. 24, folio 175. The indorsement states that it was read on this day and referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Jeremiah Townley] Chase. See *post*, April 22, 1784.

Congress recommend to the Six Nations to employ themselves in hunting and in raising corn for the support and maintenance of their women and children, and that as a mark of the disposition of Congress toward the Six Nations, Traders shall be allowed to go among them in the Spring.

~~Resolved, also, That the Agent for Indian Affairs for the Western Department be directed to take the proper steps to assemble the chief men of the late hostile western nations of Indians at Detroit, to meet Commissioners whom Congress will appoint to be there on the first day of September next, for the purpose of making terms of peace, and entering into a treaty of friendship and commerce with those nations.—That in the meantime Congress recommend to them to employ themselves in hunting and planting corn to provide for their women and children, and that Congress will permit traders to go among them immediately.~~

Resolved, That the said Agent be directed to take the most effectual steps to invite the chief men of the Indian nations inhabiting north of Illinois river and east of the Mississippi, and of all the nations inhabiting on the waters of the lakes from Michigan to the Lake of the Woods inclusive, to meet Commissioners from Congress on the 1st day of October next at Michilimackinac for the purpose of entering into Treaties of friendship and commerce.

Resolved, That the said Agent confer with the Superintendent of Finance on the expences of this business.¹

The Committee of the Week [Mr. Edward Lloyd, Mr. John Beatty and Mr. David Howell] report that the foregoing petition from several foreign officers be referred to a special committee.²

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 30, folio 203. According to the indorsement it was referred on this day to Mr. [Arthur] Lee, Mr. [Hugh] Williamson, Mr. [Edward] Hand, Mr. [Jacob] Read and Mr. [Elbridge] Gerry. See *post*, February 10.

On this day, according to the indorsement, was read a petition of Lieutenant G. Diong. It is in No. 42, II, folio 303.

² This report, in the writing of Edward Lloyd (?), is in the *Papers of the Continental Congress*, No. 42, VI, folio 92. The petition, from Lillie, Liebert, Gosselin, Diony and Selin, of Hazen's regiment, undated, is on folio 89. The indorsement states that it was read on this day.

On this day, as the indorsement states, was read a letter of February 5, from Brigadier General Moses Hazen's and referred to Mr. [Hugh] Williamson, Mr. [George] Partridge and Mr. [Arthur] Lee. It is in No. 78, XI, folio 285. Committee Book, No. 186, says the committee reported March 27.

SATURDAY, FEBRUARY 7, 1784.

Five states only attending; viz. Massachusetts, Rhode Island, Connecticut, Pennsylvania and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase, and from Virginia, Mr. [Arthur] Lee; the President adjourned Congress to ten o'clock on Monday.

MONDAY, FEBRUARY 9, 1784.

Six states only attending; viz. Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase; the President adjourned Congress till ten o'clock to-morrow.

TUESDAY, FEBRUARY 10, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia, North Carolina and South Carolina; and from New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

On the report of a committee, consisting of Mr. [Arthur] Lee, ~~Jefferson~~ Mr. [Hugh] Williamson, Mr. [Edward] Hand, Mr. [Jacob] Read and Mr. [Elbridge] Gerry, to whom were referred a report on letters of 16 and 30 December, from General P. Schuyler, and a motion of Mr. [Jacob] Read thereon.

Resolved, That General Schuyler be, and he is hereby directed to expedite the return of the deputation from the late hostile tribes of Indians, with information to their

constituents, that due notice shall be given them of the time and place where Congress will hold a meeting, for settling a general treaty with the Indian nations, which meeting they may rest satisfied will be held as soon as the season and other necessary circumstances will permit. In the mean time, the Indian tribes may be assured of the protection of the United States, so long as they continue in the peaceable disposition which they now manifest, and which is highly pleasing to Congress.¹

Ordered, That the election of an under secretary, to take charge of the papers in the office for foreign affairs, be postponed till to-morrow.

[Motion of David Howell]

Whereas notwithstanding letters have been repeatedly written to the states unrepresented in Congress urging them in the strongest terms to send on their Delegates yet such has been the inattention of several of the states to this important point that there have been but eight states on the floor for twenty days past, and nine states for a few weeks only since the commencement of the present Congressional year,

And whereas ~~business of the greatest importance~~ Congress have in contemplation to adjourn sometime in May next for the rest of the year, provided the important business before Congress which requires the consent of nine states can be by that time decided,

Resolved, That the President write to the states of New Hampshire, New York, New Jersey, Delaware and Georgia, earnestly requesting them to send forward their Delegates to Congress, that the ~~public~~ important business of the United States which requires a speedy decision may be despatched, that Congress may adjourn at the time proposed.

Resolved, That the President write to the Supreme Executives of the States of New Hampshire, New York, New Jersey, Delaware and Georgia, and inform them that Congress have in contemplation to adjourn in the month of May next and leave a Committee of the States

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 30, folio 201.

in session the rest of the year and that the affairs of the U. States absolutely require that those states should send forward their Delegates to Congress for the despatch of the public business in the mean time.

M^r: [Arthur] Lee, M^r: [William] Ellery, M^r: [John] Beatty.¹

[Motion of Mr. James Monroe; referred to Mr. Elbridge Gerry, Mr. James Monroe, Mr. Jacob Read, Mr. Roger Sherman and Mr. David Howell.]

That the committee on the memorial from Canadian Refugees be instructed to examine the engagements of Congress and of the commander in chief to the people of Canada and report their opinion how far the public faith under the laws of nations is thereby engaged to make good the losses they have sustained from the part they have acted under those engagements.²

¹ This motion, in the writing of William Ellery as to the preamble and the first motion, and of David Howell as to the second motion, is in the *Papers of the Continental Congress*, No. 36, II, folios 311-313. The indorsement states that it was referred on this day to the above-named committee.

² This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 35, folio 69. See *post*, February 13, 1784.

Another undated motion, in James Monroe's writing, is in No. 35, folio 89, as follows:

Resolved, That the several addresses from the U. S. in Congress assembled to the people of Canada Contain only invitations to them to join in the confideracy upon the common principles of the Union, equally to commit their lives and fortunes to the incertain events of War and to submit in either contingency to the consequences thereof.

That as the advantages and disadvantages, in either event were before them, the obvious reward on the one hand, freedom and the probable loss on the other, that of life and property, the exertion of every individual was the effect of a voluntary choice and preference for that alternative and that the losses which he may have sustained from the B. Government as a penalty for such conduct do not by any engagement expressed or implied, entitle him to retribution from these States and that such a claim is not authoriz'd by the usage of nations in similar circumstances.

That the attachment of these individuals to the American interest, their attention to our troops in Canada and the losses which these considerations expos'd them to, altho' they found no claim for retribution, entitle them to the gratitude and attention of these States and that from motives of humanity as well as policy it is advisable to give them such compensation as will relieve their distresses.

[Report of the Committee on Memorial of Refugees from Canada. Committed to M^r Elbridge Gerry, M^r James Monroe, M^r Jacob Read, M^r Roger Sherman, M^r David Howell.]

The Committee consisting of M^r [Thomas] Jefferson, M^r [Elbridge] Gerry and Mr. [Edward] Hand to whom were referred a memorial from Sundry officers, Merchants and Traders, in behalf of themselves and other refugees from Canada, a letter from his Excell^{ty} Governor Clinton, one from the Superintendent of Finance, one from Major Gen^l Howe, one from M^r W^m Duer and the Copy of an address to the Inhabitants of Canada, dated 24th Jan^y, 1776, Submit the following report:

That there are a number of Canadian refugees of various descriptions who, induced by the recommendation of Congress, and actuated by a love of Liberty did in the year 1776 espouse the American cause by taking arms in its defence, or by furnishing supplies to the troops employed in Canada; that when the Americans were unsuccessful in Canada, those generous friends followed our fortunes and retired with our army, which has occasioned the loss of the greatest part of their property and reduced many of them to the utmost distress, insomuch that those who formerly lived in affluence are now indebted to the cold hand of Charity for the means of subsistence.

That the United States in Congress assembled, from a sense of the merit of those unhappy people, did by a resolution of the 23^d April last signify to them a willingness to relieve their distresses when circumstances should admit thereof. Your Committee beg leave further to report that a number of the said refugees at or near West Point do now draw rations from the public magazines for the subsistence of themselves and families, and create thereby a heavy expence to the United States, without affording an adequate relief to their sufferings; that to avoid this expence and at the same time to afford the sufferers that support which humanity and justice appear to demand, and which Congress have acknowledged they merit, your Committee submit the following Resolve:

That three Commissioners be appointed to ascertain *the property and circumstances* OF THE CANADIAN REFUGEES at the time they repaired to the American Standard, their conduct and services during the late War, and the sacrifices they have made in Consequence thereof, and to report to Congress the particular case of each indi-

vidual; that the said Commissioners be and they are hereby authorized and instructed to give orders for stopping the Issues of rations to such of the said refugees as may not appear to merit the further assistance of the United States.¹

WEDNESDAY FEBRUARY 11, 1784.

Congress assembled: Present as yesterday.

Ordered, That the election of an under secretary, to take charge of the papers in the office for foreign affairs, be farther postponed till to-morrow.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Arthur] Lee,

Ordered, That to-morrow be assigned for electing a deputy secretary.

The committee consisting of [Mr. William Ellery, Mr. Thomas Jefferson and Mr. Arthur Lee] to whom was referred a note from the honble the Minister of France dated the 30 Jany. last, informing that H. M. C. M. from a desire to favour the progress of Commerce between his realm and these United States, has nominated 4 consuls and 5 vice-consuls to reside in the towns of this continent where he has judged their presence to be necessary, and that he has appointed Mr. de Marbois consul general for the 13 U. S. to attend more particularly to the general objects of Commerce," ~~and desiring that Congress would be pleased to appoint a committee to treat with Mr. de Marbois relative to the recognition of the character of these new officers, report~~

~~That they have conferred with Mr. de Marbois, who produced to them a commission for himself, appointing him Consul of France for the states of Pennsylvania and Delaware, and Consul general for the 13 U. S., to reside at Philadelphia.~~

~~Also a commission for the Sr. de l'Etombe, appointing him Consul of France for the states of Massachusetts, New Hampshire and Rhode Island, to reside at Boston.~~

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 35, folio 83. The indorsement states that it was delivered this day, entered and read.

~~A commission for the Sr. de St. Jean de Creveceur, appointing him Consul of France for the states of New York, Connecticut and New Jersey, to reside at New York.~~

~~A commission for the Chev. Dannemours, appointing him Consul of France for the states of Maryland and Virginia, to reside at Baltimore.~~

~~Also brevet appointing the Sr. Tosean vice consul at Portsmouth in New Hampshire.~~

~~A brevet appointing Mr. de Marbois vice consul at Rhode Island.~~

~~A brevet appointing Mr. Oster vice consul at Richmond in Virginia.~~

~~A brevet appointing Mr. Petry vice consul at Wilmington in North Carolina.~~

~~And a brevet appointing Mr. de la Forêt vice consul at Savannah in Georgia.~~

~~All which commissions and brevets the committee submit to the consideration of Congress, and beg leave to recommend,~~

That the said Officers be approved, the Commissions and brevets registered in the Secretary's Office, and that thereupon acts of recognition in due form be immediately issued to the states concerned, in order that they may furnish them respectively with their exequatur or notification of their quality, that the same may be made known and published.¹

~~On the report of a~~ The committee, consisting of Mr. [William] Ellery, Mr. [Thomas] Jefferson and Mr. [Arthur] Lee, to whom was referred a note from the honorable the Minister of France, dated the 30 January, informing, that "his Most Christian Majesty, from a desire to favour the

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, II, folio 339. It is indorsed by Thomson, "Delivered in lieu of that of 30 January. Passed 11 Feby., 1784." The resolution and a part of the preamble were adopted and entered on the Journal, February 11, but on February 12 amendments were moved by Mr. Jacob Read and the entry on the Journal was changed accordingly. Read's motion is on folios 343 and 345, with the following introduction, in Charles Thomson's writing:

The journal of the 11th being read, and an amendment having been moved and adopted in the resolution respecting the recognitions of Consuls and vice consuls, a motion was made by Mr. R seconded by _____ to amend the recital previous to the resolution by striking out the words "laid before Congress" &c. to read "inclusive," and in lieu thereof to insert

progress of commerce between his realm and these United States, has nominated four consuls and five vice-consuls, to reside in the towns of this continent where he has judged their presence to be necessary; and that he has appointed ~~the Sieur~~ Mr. de Marbois consul general for the thirteen United States," ~~laid before Congress~~ report,

That they have conferred with Mr. de Marbois, who produced to them four commissions for the said consuls, and five brevets for the vice-consuls; ~~which being read~~ [whereby it appears, that the said Sieur de Marbois is appointed consul general of France for the thirteen United States of America; the Sieur de l'Etombe, consul of France for the states of New Hampshire, Massachusetts and Rhode Island; the Sieur de St. Jean de Crevecœur, consul of France for the states of Connecticut, New York and New Jersey; the said Sieur de Marbois consul of France for the states of Pennsylvania and Delaware, and the Chevalier D'Annemours consul of France for Maryland and Virginia: also that the Sieur Toscan is appointed vice-consul at Portsmouth, in New Hampshire; the Sieur de Marbois vice-consul at Rhode Island; the Sieur Oster vice-consul at Richmond, in Virginia; the Sieur Petry vice-consul at Wilmington, in North Carolina, and the Sieur de la Foret vice-consul at Savannah, in Georgia: Whereupon,]

Resolved, That the ~~said officers be approved,~~ commissions and brevets of the said officers, be registered in the secretary's office; and that thereupon acts of recognition in due form be immediately issued to the states concerned, in order that they may furnish them respectively with their exequatur or notification of their quality, that the same may be made known and published.¹

¹ This report was also entered in the Secret Journal, Foreign Affairs. The part in brackets was inserted on Feb. 12, on motion of Mr. Jacob Read.

On the report of a committee, consisting of Mr. [Jeremiah Townley] Chase, Mr. [Hugh] Williamson and Mr. [George] Partridge, to whom were referred petitions of Captains Gosselin, Olivie and Leibert, Canadian Officers, lately in the regiment commanded by Brigadier General Hazen, requesting that they may be furnished with money in payment for sundry articles with which they supplied the troops of the United States in Canada,

Resolved, That the Canadian officers be furnished with a copy of the act of August 9, 1783; and that the commissioner therein referred to, be required to give dispatch to the settlement of the accounts of those officers.¹

The committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Monroe and Mr. [Roger] Sherman, to whom was referred a letter of 20 January last, from J. Pierce, paymaster general, respecting claims which have been made by certain officers to half pay and the commutation for half pay, report,

That by a resolve of November 24, 1778, it was provided, that all deranged officers should be entitled to one year's pay; and it was further provided, that officers who had been prisoners with the enemy, and then were, or thereafter might be exchanged, should, if appointed by the authority of the State, be entitled to return into the service in the same rank they would have had if they had not been captured, under certain restrictions, and that they should receive half pay till the time of their entering again into the service. Under this act, certain officers claim half pay to the end of the war, and the commutation for half pay from that period during life. On which the committee observe, that the half pay first mentioned, was promised as a temporary

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 22, folio 223. Gosselin's petition is in No. 42, III, folio 256. Olivie and Leibert's petition is in No. 42, VI, folio 85^a.

support to such officers as should be re-appointed by their respective states, and to none besides; and that all other continental Officers who have been prisoners with the enemy, and deranged, are entitled to one year's pay, and nothing besides. That such was the intention of Congress, is explained by the subsequent acts of May 22, 1779, and May 26, 1781. There is no act under which those officers can claim the commutation for half pay. It is provided by a resolve of the 28 June, 1782, "that there shall be such additional pay and emoluments to the pay of captains and subalterns serving as aids-de-camp to major and brigadier generals, and to brigade majors, as shall make their pay and emoluments equal to the pay and emoluments of a major in the line of the army." Under this resolution, certain aids and brigade majors, who are captains or subalterns in the line, claim commutation equal to that of a major in the line. This claim appears for sundry reasons to be ill founded. The offices which those gentlemen held out of the line, were temporary, and the additional pay and emoluments were certainly promised to them while they continued to serve in those offices, and no longer. If they are supposed to found their claim to the commutation of a major, under the head of additional emoluments, their claim must be ill founded; for it is clear from the terms of the resolution, that pay and emoluments do not signify the same thing, but the commutation is the substitute for pay alone or half pay, and not for rations nor any other emolument. On the whole, the committee are of opinion, that the paymaster general, in settling the accounts of the army, in all claims which may be brought for half pay or commutation, should be determined by the act of the 26 of January, 1784.¹

Resolved, That Congress agree to the said report.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folio 185⁻¹. Pierce's letter is in No. 62, folio 5.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

Ordered, That attested copies of the proceedings of Congress of the first of November last, for procuring a full representation in Congress, be forthwith transmitted to the supreme executives of the respective states.

~~And that in future the Secretary of Congress and that a Committee be appointed to revise the regulation of the Department of Secretary of Congress and to report such alterations as may be necessary.~~¹

The Committee of the Week [Mr. Samuel Osgood, Mr. John Montgomery and Mr. James Monroe] report that the petition of Anthony Selig a foreign officer be referred to a special committee²

[Motion of Mr. David Howell. Referred to Mr. David Howell, Mr. Hugh Williamson and Mr. Jacob Read.]

Congress having received information that the mail from the southward has arrived here but twice for the last seven weeks and then only from Virginia, and that the mail from the eastward has arrived here but once for the last three weeks, notwithstanding travellers both on horseback and in carriages have passed on the post roads—

Resolved, That the postmaster general be directed to inquire into and report to Congress the reasons of the aforesaid failures and to dismiss or cause to be dismissed from the service of the department any person, or persons, who may appear to have been deficient.³

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 317.

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 41, IX, folio 272. Selig's petition is on folio 269. It was referred to Mr. [Hugh] Williamson, Mr. [James] Monroe and Mr. [David] Howell.

³ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 61, folio 527. It was made on this day, according to the indorsement, and referred to Mr. [David] Howell, Mr. [Hugh] Williamson and Mr. [Jacob] Read.

On this day, the indorsement states, was read a letter of February 10th from James Smith and referred to Mr. [Jeremiah Townley] Chase, Mr. [Samuel] Osgood and Mr. [William] Ellery. It is in No. 78, XXI, folio 345. Committee Book, No. 186, says the committee reported February 13th.

THURSDAY, FEBRUARY 12, 1784.

Five states only attending; viz. Massachusetts, Rhode Island, Connecticut, North Carolina and South Carolina; and from the State of Pennsylvania, Mr. [Thomas] Mifflin; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase, and from Virginia, Mr. [James] Monroe; the President adjourned Congress till ten o'clock to-morrow.

FRIDAY, FEBRUARY 13, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; and from Maryland, Mr. [Jeremiah Townley] Chase.

The Committee [Mr. Edward Hand, Mr. James Tilton, Mr. Samuel Osgood] to whom was referred the memorial of Brigadier General Michael Jackson, in which he sets forth that he has been severely wounded in the service of the United States, and hopes and expects in consequence thereof that Congress will order him the emoluments of a Brigadier General, or a pecuniary reward equal thereto, beg leave to report,

That in their resolutions of 26th August, 1776, and 25th September, 1778, Congress have expressly declared that the provision made for an officer or soldier, who has lost a limb in the service, or is otherwise rendered incapable of getting a livelihood shall not exceed one half of his monthly pay. That General Jackson continued in service until the end of the war and received the full pay and emoluments of a Colonel until the late discharge of the army; that he is at this time entitled to the commutation of a Colonel, and that in the present state of the public finances, it would be inexpedient to increase his emoluments;

Wherefore Resolved, That the desire of Brigadier General M. Jackson, for an increase of his emoluments as set forth in his memorial of the 18th November, 1783, cannot be complied with.¹

¹ This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 19, III, folio 269. The indorsement states that it was read on this day. It was filed, "the act of 7 June, 1785, having made provision." See *post*, June 7, 1785. Jackson's memorial is in No. 41, IV, folio 463.

The Committee consisting of M^r [Arthur] Lee, M^r [William] Ellery and M^r [John] Beatty, to whom was referred a motion of M^r [David] Howell, beg leave to report the following resolution:

Resolved, That the President be directed to write to the Executives of the Several states in the union informing them that notwithstanding the necessity of a full representation in Congress has been repeatedly pressed upon the states, yet nine states are not represented; that the settling a General Peace with the Indians, assigning the quotas to each state and arranging the western territory, together with many other transactions of the last importance to the honor and interest of the United States require indispensably the presence of nine states, and ought to have the fullest representation of the Union; that Congress think it will be expedient to adjourn in May, and leave the business of less moment to a Committee of the States; that therefore the Executives of the States be most earnestly requested to exert themselves immediately and effectually in urging on the delegates of the same, that business of such high concern to the public may be no longer delayed by their absence.¹

The Committee of the Week [Mr. Samuel Osgood, Mr. John Montgomery and Mr. James Monroe] report on the application of Captain Edward Phelon for compensation for his sufferings in the service of these states that the memorial be read in Congress.²

[Report of M^r David Howell, M^r Hugh Williamson, M^r Jacob Read, on a motion respecting the irregularity of the Post Office.]

The Committee to whom was referred a motion of M^r [David] Howell for enquiring into the reasons of the late irregularities in the arrival of the mails at this place—submit the following report:

It appears to your Committee that there have been great defects and irregularities in the arrival of both the northern and southern mails at this place for the last seven weeks, that tho' the severity of the season may help to account therefor in some measure, yet as there have been instances in which the post roads have been passed, both by carriage and travellers on horse back, while the post riders

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 313. Committee Book No. 191 shows that it was delivered on this day and filed.

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 182. It was brought in on this or an approximate date. Phelon's application was read April 1 and referred to Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [David] Howell. It is on folio 180.

omitted performing their tours of duty, there is reason to apprehend some culpable neglect whereupon your Committee submit the following resolution

Resolved, That the Postmaster General be directed to enquire into and report to Congress the reasons of the late defects and irregularities in the arrival of the mails at this place, and to dismiss or cause to be dismissed from the service of the department any person or persons, who may appear to have culpably neglected his duty.¹

OFFICE OF FINANCE, 24th Jany., 1784.

SIR:

The reestablishment of peace having at length given room for the proper investigations, it becomes in me a duty of public justice to mention to Congress the situation of those persons in Canada, or out of it, who are creditors to the United States for property furnished or services rendered in that Country. To these may perhaps be added those who have claims for damages sustained. Persuaded (as I am) that unless some general arrangements be taken on this subject it will occasion a great expense of time and money together with the loss of reputation, I think economy as well as justice calls for a due attention to the subject in the present moment.

I submit then the following ideas, not as being a perfect plan, but merely as hints to be perfected by the wise care of the United States. And first it might be proper, that a Commissioner were appointed to go into Canada, for the purpose of examining into the several claims above-mentioned, with power to liquidate the same and to give certificates of the amount. If it be a desirable thing that justice be done, it is a necessary thing that the enquiries be made on the spot. There and there alone can the due investigations take place, so as to prevent either the public or Individuals from being defrauded. Besides it will cost no more to maintain a Commissioner there, than it will here, and many who have been both distressed and oppressed are confined to that spot by their circumstances. It may also appear to be of some importance, that by doing justice to these people *unsolicited*, we secure their affections, which will prevent Great Britain from using them hereafter against us. Neither will it escape the attention of Congress that such a Commissioner may

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 61, folio 525. The indorsement states that it was read on this day.

transmit useful intelligence; but this being rather in the Department of Foreign Affairs, I shall not enlarge on it.

A natural question will probably arise as to the means of payment. This may be answered by applying a like question to the case of other public debts. But I conceive that another, if not a better answer may be given. If a new State was set off about Detroit, and the Lands sold to all inclining to purchase, with permission to pay in certified Canadian debts, not only as specie, but even at a premium of five per cent, the lands would pay the debts and the United States would gain more than the amount of the payment by the very act of making it. For an equal if not greater number of persons than the Creditors in Canada would become settlers from that Country, and bring with them property beyond their purchase money. Nor is that all. Such State would become a barrier of infinite importance. It would secure eternal peace with the Indians and it would secure the Indian trade. For it would soon place the principal traders at that spot in the character of American citizens.

ROBT. MORRIS.¹

The Committee, consisting of M^r [Elbridge] Gerry, M^r [James] Monroe, M^r [Jacob] Read, M^r [Roger] Sherman and M^r [David] Howell, to whom was referred the report of a Committee on a memorial of the refugees from Canada and also the motion of M^r [James] Monroe of the 10th February instant report,

That at the Commencement of the late War with Great Britain the United States in Congress assembled, were very justly impressed with the great weight and importance of the province of Quebec and of the decided effect that the conduct of the inhabitants of Canada must necessarily have in the dispute.

That Congress therefore took early measures to engage the inhabitants of Canada in the interest of America, and if not to take an active part at least to ensure their neutrality. The address to the Inhabitants of the province of Quebec of the 26th October 1774 and the letter of 29th May, 1775, to the inhabitants of Canada contain the strongest assurances that Congress will pursue no meas-

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 447. The indorsement states that it was read on this day. It was referred to Mr. [Elbridge] Gerry, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Roger] Sherman and Mr. [David] Howell.

ures whatever but such as friendship & a regard for mutual safety & Interest might suggest." ¹

The Committee consisting of M^r: [Richard Dobbs] Spaight, M^r: [Elbridge] Gerry and M^r: [Arthur] Lee to whom were [referred] the report of the Superintendant of Finance on an extract from the Journals of the General Assembly of Pennsylvania, and the report of the Superintendant of Finance, on letters from Benjamin Stelle, Commissioner for settling accounts in the State of Pennsylvania, beg leave to report.

That, after having duly considered the matters to them referred, they submit the following resolution:

Resolved, That the Commissioner for Pennsylvania govern himself by the directions given, and the rules prescribed by the Superintendant of Finance and the Comptroller of the Treasury.²

MONDAY, FEBRUARY 16, 1784.

Five states only attending; viz. Massachusetts, Rhode Island, Connecticut, Pennsylvania and Virginia; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase; from North Carolina, Mr. [Hugh] Williamson; and from South Carolina, Mr. [Richard] Beresford; the President adjourned Congress till ten o'clock to-morrow.

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 35, folio 87. It is undated, but was probably submitted on this or an approximate date. See *ante* February 10.

² This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 19, V, folio 409. It is undated, but Committee Book, No. 186, gives it the date of January 12, and states that it was renewed February 13. The committee was enlarged by the addition of John Beatty and Roger Sherman and reported April 13, according to Committee Book, No. 186. On February 14, according to the indorsement, was read a memorial of L. Liebert. It is in the *Papers of the Continental Congress*, No. 41, V, folio 321.

TUESDAY, FEBRUARY 17, 1784.

Six states only attending; namely, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase, and from North Carolina, Mr. [Hugh] Williamson; the President adjourned Congress till ten o'clock to-morrow.

WEDNESDAY, FEBRUARY 18, 1784.

Six states only attending; namely, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Maryland, Mr. [Jeremiah Townley] Chase, and from North Carolina, Mr. [Hugh] Williamson; the President adjourned Congress till ten o'clock to-morrow.

THURSDAY, FEBRUARY 19, 1784.

Six states only attending; viz. Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia and South Carolina; and from the State of New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton; from Maryland, Mr. [Jeremiah Townley] Chase, and from North Carolina, Mr. [Hugh] Williamson; the President adjourned Congress till ten o'clock to-morrow.

FRIDAY, FEBRUARY 20, 1784.

The same states only and the same members attending as yesterday; the President adjourned Congress till ten o'clock to-morrow.

SATURDAY, FEBRUARY 21, 1784.

Only the same states and same members attending as yesterday; the President adjourned Congress till ten o'clock on Monday.

MONDAY, FEBRUARY 23, 1784.

Six states only attended; namely, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Maryland, Mr. [Jeremiah Townley] Chase, and from South Carolina, Mr. [Jacob] Read.

Mr. Abiel Foster delivered in Credentials of his appointment, certifying, that on the 26 of December last, he was appointed a delegate to represent the State of New Hampshire in Congress, until the first Monday in November next.

STATE OF NEW HAMPSHIRE,

IN HOUSE OF REPRESENTATIVES, *Dec 26th 1783.*

Voted, that the Hon^{ble} Abiel Foster Esq^{re}. be, and he hereby is appointed a Delegate to represent this State in the Congress of the United States until the first Monday of November next, unless sooner relieved or recall'd by the General Assembly of this State, with all the powers and privileges which other Delegates from this State have heretofore had and enjoy'd agreeably to the Confederation of the United States.

Sent up for Concurrence

JOHN DUDLEY Speaker.

In Council the same day read & concurred,

E. THOMPSON Sec^{ry}.Copy Exam^dPer Joseph Pearson *Dep. Sec^{ry}*.¹

The Committee, consisting of [Mr. Roger Sherman, Mr. Jacob Read and Mr. Richard Dobbs Spaight,] to whom was referred an Act of the General Assembly of the Commonwealth of Virginia, passed at their session commencing on the 20th day of Oct^o 1783, and the form of a deed proposed to be executed pursuant thereto by the Delegates of the said State, for ceding to the United States in Congress

¹ The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

assembled all the right title and claim of the said Commonwealth to the territory north west of the Ohio, Report,

That having carefully examined the said papers and compared them with the Act of the United States in Congress assembled of the 13th of September, 1783, find that the said Act of the general assembly of Virginia comports with the terms proposed by said Act of Congress and therefore submit the following resolution:

Whereas the Delegates of the State of Virginia have laid before Congress a copy of an Act of the General Assembly of that State passed at their session begun on the 20th day of October, 1783, authorising the said Delegates to convey to the United States in Congress assembled all the right title and claim of the said State to the territory lying North west of the river Ohio, and also the form of a deed proposed to be executed by the said Delegates pursuant to said Act;

~~Resolved, That Congress approve of the terms on which the said territory is ordered to be ceded to the United States by the said Act of the General Assembly of the Commonwealth of Virginia, and also of the proposed form of a deed to be executed by the delegates of the said States for carrying the same into effect, and agree to accept the same accordingly,~~

Resolved, That the United States in Congress assembled are ready to receive the deed whenever the Delegates of the State of Virginia are ready to execute the same.¹

The President adjourned Congress till ten o'clock to-morrow.

The Committee consisting of [Mr. Roger Sherman, Mr. William Ellery and Mr. Jeremiah Townley Chase] to whom was referred a letter from D^r William Shippen late Director general of the Hospital dated Jan^y 21st, 1784, requesting that the Commissioner for settling the accounts of the hospital Department may be authorized to make him a reasonable allowance for his expences in travelling, and the hire of a servant and two horses, when employed in the duties of the said office; and also for the use of a waggon and four

¹ This report, in the writing of Roger Sherman, except the last paragraph, which is in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 30, folio 573. The indorsement states that it was read on this day. See *post*, March 1.

horses which were his property and constantly employed in the hospital service. Report as their opinion

That the establishments made for the Director General and other Officers of the General Hospital were such as Congress deemed adequate to their services and expences: That as to the use of his waggon and four horses which he says were constantly employed in the hospital service, sufficient provision is already made for settling all claims of that kind, but no allowance can be made therefor after the 15th July, 1780, it being then ordained by Congress that no military or staff officer should own or be interested in any waggon or horses employed on hire or contract in the service of the United States.—*Upon the whole the committee are of opinion that no special order be made on the aforesaid application.*¹

TUESDAY, FEBRUARY 24, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from New Jersey, Mr. [John] Beatty; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

The Committee, consisting of [Mr. Hugh Williamson, Mr. James Monroe and Mr. David Howell,] to whom was referred a memorial of Major Anthony Selin who represented that he is a foreign officer and prays for such assistance as has been afforded to other foreign officers submit the following resolve

That the instruction of the 22nd Jan^y last to the Superintendent of Finance in favour of certain foreign officers be considered by him as extending and it is hereby extended to ~~all foreigners Creditors of the United States who have lately been officers in the armies of the U. S. having commissions in the service of any foreign prince~~ [Major Anthony Selin late of General Hazen's regiment]²

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 477. The indorsement states that it was made February 23. D^r Shippen's letter is on folio 481.

² This report, in the writing of Hugh Williamson, except the words in brackets, which are in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, V, folio 321. It was presented February 13.

On motion of Mr. [John] Beatty, seconded by Mr. [Jacob] Read,

Resolved, That the instruction of the 22 of January last, to the Superintendent of finance, in favour of certain foreign officers, be considered by him as extending, and it is hereby extended to Major Anthony Selin, late of General Hazen's regiment.

The Committee consisting of M^r. [Jacob] Read, M^r. [Edward] Hand, and M^r. [James] Monroe to whom was referred a letter of November the 6th, 1783, from Major General Duportail recommending the promotion of Captain Castaing his Aid de Camp to the rank of Major by brevet,

Report,

That Captain Castaing has received a promotion by brevet as an officer of a regiment in the late Massachusetts line by virtue of the resolution of the the day of last past.

But that as his extraordinary services out of the line of duty of his regiment, as an aid de camp to Major General Duportail for four years and particularly in the defence of Charles Town in S^c Carolina and the seige and reduction of York Town in Virginia and the recommendation given him by the letter of Major General Duportail deserve the acknowledgement and attention of Congress, And as the dissolution of the army prevents any inconvenience, arising on the subject of this promotion in the line of the regiment to which Capt. Castaing lately belonged, and the rank requested may prove useful to him in his own country, your Committee recommend that the request of Major General Duportail, in behalf of Capt. Castaing be granted, and that the Secretary in the War Office do make out, and enclose to Capt. Castaing the brevet of Major in the Army of the United States of America.¹

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, II, folio 171. The indorsement states that it was delivered and read this day, "debated February 26, 1784; question was taken and lost; report negatived."

OFFICE OF FINANCE, 17th Feby. 1784.

SIR,

I do myself the honor to enclose to your Excellency the copy of a letter of the fourth Inst. from the Honorable M^r Huntington, in consequence whereof I have requested M^r Carleton to take proper measures for security of the public property. I should be wanting to my own feelings, if I did not on this occasion place before Congress the attention of the honorable writer, to whom I must at the same time profess my obligations for rescuing from destruction so much of the public property as may be saved by his information.

ROBERT MORRIS.¹

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Roger] Sherman and Mr. [Jacob] Read, to whom was referred a letter of 31 January, from the governor of the State of New York,

Resolved, That the President inform the governor of the State of New York, in answer to his letter of the 31 January, 1784, that nine states not having been represented, but for a few days, since the adjournment of Congress to this place, the arrangement of garrisons for the western and northern posts has not been entered upon, nor can it be considered till the states become more attentive to keeping up a full representation in Congress.²

The order of the day being called for, to elect an under secretary in the Office for foreign affairs, and a deputy secretary, Congress proceeded to an election, but not coming to a choice,

Ordered, That the order for electing an under secretary and a deputy secretary, be postponed.

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 455. It was referred on this day, the indorsement states, to Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry and Mr. [Arthur] Lee. Committee Book, No. 186, says the committee reported April 3.

² This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 20, I, folio 393.

The Committee consisting of M^r [Jacob] Read, M^r [Edward] Hand and M^r [James] Monroe, to whom was referred a letter from Brig^r Gen^l Lachlan McIntosh dated Savannah in Georgia 1st Nov^r, 1783, and the papers enclosed in the same submit the following report:

That it appears to your Committee from unquestionable evidence that Brig^r Gen^l McIntosh took an early and most decided part in favour of the rights of America in the late contest with Great Britain. That he has uniformly and on all occasions manifested the greatest zeal for the service of the United States; and that before any forces were levied or raised in the State of Georgia by authority of the United States the said Lachlan McIntosh was actually appointed by the Convention of Georgia Colonel of the Battalion raised and equipped for the defence of the then Province of Georgia.

That it further appears to your Committee that the United States in Congress assembled being imposed upon and deceived by the false and malicious information and misrepresentation of certain evil disposed persons and particularly by means of a letter written by George Walton late Governor of the State of Georgia dated Augusta the 15th Dec^r, 1779, addressed to the President of Congress and sent by the hands of Captain Clement Nash as an express for that particular purpose, enclosing a paper purporting to be an extract of the resolves of Council dated at Augusta 12th Dec^r 1779, and also by a letter purporting to have been from William Glasscock Esq^r speaks of the Assembly of the State of Georgia dated Augusta 30th Nov^r 1779 addressed to the President of Congress and transmitted by the same express have been made the instruments of an infamous combination to injure and oppress the said Brigadier General McIntosh.

That under such imposition and misinformation the United States in Congress assembled did accordingly on the 15th day of February 1780, Resolve, "That a copy of the letters from the State of Georgia "as far as they relate to General McIntosh be transmitted to that "Officer and that he be informed Congress deem it inexpedient to "employ him at present in the Northern Army and therefore that "his services in that department be dispensed with until the farther "order of Congress." That in consequence of the said resolve Brigadier General McIntosh was suspended from his command without any examination or trial and most injuriously laid under a grevous and unmerited suspicion.

That it appears from the Journals of Congress of Monday September the 25th 1780, that means were taken to bring the subject again into review and that Congress were induced to agree to the report of a committee in the words following, viz: "The Committee to whom was referred the letter of May 12th from M^r Glasscock and "the Memorial of M^r George Walton, report,—

"That, in the course of their enquiry respecting the business committed to them, they have conferred with His Excellency Richard Howly the present governor of Georgia and been attended by M^r George Seegar Clerk of the General Assembly of the said State and have obtained from each of them a state of facts to which they beg leave to refer: That it appears that the paper containing the paragraph respecting Brigadier General McIntosh and dated at Augusta in the State of Georgia the 30th day of Nov^r 1779 and purporting in general to be a letter or address from the Assembly of that State to Congress, did originate in and ought to be considered as an act declarative of the sense of the said Assembly: And that the same was Officially transmitted with other public papers by Col Walton then Governor of that State to the President of Congress, and together with the proceedings of the said Governor and Council contained a sufficient ground for the Act of Congress of the 15th day of February last for dispensing with the service of the said Brigadier General McIntosh until the farther order of "Congress," from which report it manifestly appears to your Committee that Congress were again most grossly deceived and imposed on by the artful misrepresentations of the said George Walton, Richard Howly and George Seegar to the great injury of the said Brigadier General McIntosh.

That it further appears by the Journal of Congress of the 16th July, 1781, that the said Geo Walton and Richard Howley at that time delegates in Congress from the State of Georgia in furtherance of their malicious views did anonymously oppose and vote against the repeal of the resolve of the 15th of Feb^r, 1780, respecting the said Brigadier General McIntosh.

Your Committee find that by the extracts of the proceedings, of the House of Assembly of the State of Georgia held at Savannah on Saturday the 1st Feb^r, 1783, committed to them together with the letter of the said Brigadier General McIntosh, the said House of

Assembly did on that day agree to the report of a Committee in the following words viz:

“The order of the day being called for, when the House taking the report of the Committee to whom was referred a letter from Brigadier General McIntosh with its enclosures and after some amendments.”

Amendments agreed to the following viz: That they have examined such papers and persons as have been offered by different parties from which it appears that the resolve of council dated Augusta twelfth of December one thousand seven hundred and seventy-nine, and the letter from the Governor to the President of Congress dated fifteenth of December one thousand and seven hundred and seventy-nine, respecting the general were unjust, illiberal and a misrepresentation of facts; that the letter said to be from William Glascock, speaker of the assembly, dated thirtieth November, one thousand seven hundred and seventy nine, addressed to the President of Congress appears to your committee to be a forgery in violation of law and truth and dangerous to the rights of its citizens, and that the Attorney General be ordered to make the necessary enquiries and enter such prosecutions as may be consistent with his office and duty.

Resolved, That General McIntosh be informed that this House do entertain an abhorrence of all such ungenerous attempts made use of as appears by the papers laid before them to injure the character of an officer and citizen of this State who merits the attention of the Legislature for his early decided and persevering efforts in the defence of America, which virtues this House have the highest sense of.”

Your committee think it their duty to represent to the United States in Congress that in consequence of the suspension of the said Brigadier General McIntosh he has been greatly injured, lost the opportunity of serving his Country and has also been deprived of the promotion to which he was evidently intitled.

Your committee conceive the Honours and Dignity of Congress to be essentially concerned in rendering the most complete justice in their power to a worthy and brave officer who has served the United States with great reputation for near eight years past and (except from the dark danger of his private enemies above mentioned) with an unblemished character, and therefore recommend the following resolves:

Resolved, That the vote for the suspension of Brigadier General Lachlin McIntosh passed by the United States in Congress assembled

on the 15th February, 1780, was obtained from Congress by misrepresentation and imposition, and ought not in any way to effect the reputation of the said officer nor his right to promotion pay or other emoluments to which he would have been intitled in case the same had never passed.

Resolved, That the Secretary in the War Office do make out and transmit to Brigadier General McIntosh the Commission of Major General in the army of the United States to take rank from day of 178 .

Resolved, That the United States in Congress assembled entertain the utmost abhorrence of the base acts used to injure and oppress the said Brigadier General McIntosh and are impressed with a just sense of the honour fidelity patriotism and probity of the General and of the great zeal he has uniformly evidenced in the service of United States, and that the Secretary of Congress do transmit a copy of the foregoing report and of these resolves to him for his information and satisfaction and as a small testimony of the sense the United States in Congress assembled entertain of his merit.¹

WEDNESDAY, FEBRUARY 25, 1784.

Mr. Samuel Dick, a delegate for New Jersey, attended.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, IV, folios 25 and 29. Committee Book, No. 186, says that it was presented on this day. McIntosh's letter is in No. 162, folio 321.

On this day, as the indorsement states, was read a petition of Tarrasson Brothers in behalf of Louis Bayard, dated Philadelphia, January 27, 1784. It was referred to Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson. Committee Book, No. 186, states that the committee reported December 20, 1784. The petition is in No. 42, VII, folio 455.

Also, a letter of January 12 from Simeon De Witt, Geographer to the United States. It was referred to Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Hugh] Williamson. It is in No. 78, VIII, folio 57.

Also, a letter of February 8 from Jonathan Lawrence. It is in No. 78, XIV, folio 55.

Also, a letter of February 11, from Ph. Moore. It is in No. 78, XVI, folio 55.

Also, probably on this or an approximate date, a letter of February 21 from Colonel Joseph Harmar. It is in No. 163, folio 377.

New Hampshire, Mr. [Abiel] Foster; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

The order for electing an Under secretary in the Office for foreign Affairs, and a deputy secretary, was taken up, but Congress not coming to a choice,

On motion of Mr. [Jacob] Read, seconded by Mr. [John] Montgomery,

Resolved, That the order for electing an Under Secretary in the Office for foreign Affairs, and a deputy secretary, be postponed till Tuesday next.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. ~~Howell~~ [Jacob] Read,

Resolved, That Friday next be assigned for electing a Secretary for foreign affairs.

On motion of Mr. [Hugh] Williamson, seconded by Mr. [John] Montgomery,

Resolved, That the Superintendant of finance take order for advancing to Captain Gosselin, Captain Olivie and Captain Libert, Canadian officers, severally one hundred dollars on account of pay.

THURSDAY, FEBRUARY 26, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Delaware, Mr. [James] Tilton, from Maryland, Mr. [Jeremiah Townley] Chase ~~and from South Carolina, Mr. [Jacob] Read.~~

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson,

Resolved, That a standing committee of qualifications be appointed to examine the commissions or credentials of the members that are or may be in Congress till the first Monday

of November next, and to report thereon, from time to time, to Congress.

On motion of Mr. [Abiel] Foster, seconded by Mr. [John] Beatty,

Resolved, That the resolution of yesterday, directing the Superintendant of finance to take order for advancing to several Canadian officers, one hundred dollars each, on account of pay, be, and it hereby is extended to Lieutenant Germaine Diesne of the same corps.

On the report of a committee, consisting of Mr. [James] Tilton, Mr. [James] Monroe and Mr. [James] Wadsworth, to whom was referred a motion of Mr. [David] Howell,

The Committee, [Mr. James Tilton, Mr. James Monroe and Mr. James Wadsworth] to whom was referred the motion of M^r [David] Howell respecting Samuel Sanford, late an ensign in Col Mosses Hazen's reg^t beg leave to report:

That by sufficient testimonials, he appears to have been honorably discharged from the service of the United States, on the 20th of April, 1780, and, consequently, that he is entitled to the full benefit of a resolution of congress, passed on the 10th of the same month, for making good to the line of the Army the deficiency of their original pay occasioned by depreciation. It further appears from a certificate signed by a committee of the general assembly of Rhode Island that the legislature of said State have entertained doubts whether M^r Sanford was entitled to the benefit of the resolution of congress of April 20th, 1781, recommending to said State and others, to make provision for depreciation to officers and soldiers of Col. Hazen's reg^t who are considered as part of the quota of the respective States to which they belong.

Hence, concluding that justice is delayed in the case of a deserving officer, your committee concur in the motion as proposed by the honb^{le} mover, viz:

Resolved, That it be recommended to the State of Rhode Island and Providence Plantations, to make good the depreciation of the monthly pay of Samuel Sandford, late an

ensign in Colonel Moses Hazen's regiment, agreeably to the resolution of April 20th, 1781.¹

The Committee consisting of M^r [Thomas] Jefferson, M^r [Arthur] Lee and M^r [Hugh] Williamson to whom was referred a letter of the 1st Nov., 1783, to the President of Congress from the Speaker of the House of Representatives of the State of Connecticut in general assembly convened, enclosing an address from that Honorable Body to Congress, beg leave to Report,

That they have considered the address of the House of Representatives of the State of Connecticut with that deference and attention which are due to the representations of so respectable a Branch of the Legislature of a member of the Union.

They perceive that it is a doubt with the ~~General Assembly~~ House of Representatives of Connecticut, whether the Grant of half pay, or commutation to the officers of the army, is warranted by the Confederation. Among the powers devolved by the Confederation upon the U. S. in Congress is that of ascertaining the necessary sums of money to be raised for the service of the U. S. and to appropriate and apply the same for defraying the public expences. The wages of the Army are clearly a part of the public expence, and to ascertain what these shall be, as well as to appropriate and apply money to the same is as clearly and explicitly vested in them as any other power they exercise. ~~Whether these wages shall consist of a certain sum while they are in actual service, or of a lesser sum during that period and half of it for life, or a Commutation for the same must of course be discretionary in Congress.~~ The officers were at liberty to say on what terms they would serve the public; and there either must have been no army, or Congress must have had the power of stipulating on the part of the States a compliance with such demands as appeared reasonable.

Congress exercised no other power in granting halfpay to the officers, and in so doing seem to have acted in strict conformity with the spirit of the Confederation. The commuting this for a gross sum, proportioned to the value of the half pay, was a measure adopted merely to satisfy those States, which objected to the halfpay, because

¹ This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 19, V, folio 283, the resolution, in the writing of David Howell, being on folio 283-1. Sandford's petition is in No. 42, VII, folio 190.

it looked like an establishment of Pensioners, an establishment equally odious and impolitic.

The general assembly have conceived from an answer given to the State of Rhode Island, that Congress deny the right of each individual member of the Union, to consider whether their Requisitions are founded in the Confederation.

Your Committee presume that Congress never intended to question such a right, which seems to be essential to and unalienable from a free Community. On the contrary, Congress will always receive with deference the representations on their proceedings, from any State in the Union—will consider such representations with candor—and will most readily explain the reasons and principles on which their proceedings were grounded.

That the officers of the army had a right to resign their Commissions, if half pay was not granted to them; that they appeared determined so to do, and that the alternative offered to the then Congress was either to have no army to defend the persons, liberty and property of the people of the U. S. against an invading and implacable foe, or to grant the half pay; are facts of unquestionable notoriety; and as the right of Congress under the Confederation to make such a stipulation appears incontrovertible, so upon the strictest review of the then situation of affairs their prudence in doing so seems equally unquestionable.

But even if both were questionable, yet as the grant has been solemnly made, and the service for which it was made has been performed, nothing remains at the present day but to consider of the ways and means most adequate to the performance of the same by the public with efficacy and good faith,

For the attainment of an object, in which the honor and interests of the U. S. are so deeply concerned, Congress rely on the support of the State of Connecticut, even if their opinion of the measure should continue unaltered; because it must appear to the good sense of the State that Congress cannot possibly conduct the business of the Union unless the minority of the States shall, in important cases, conform to the opinion of the majority and promote the execution of their measures.

It is made another cause of complaint that tho' the State of Connecticut have actually secured to the officers and soldiers of their line the full of their wages to the last of Dec^r, 1781, yet Congress have proceeded to secure the same from August, 1780.

Your Committee upon examination do not find that any State was warranted in paying its line farther than the 1st of August 1780; tho' some States, for reasons unknown to Congress, extended it to the last of December. This irregularity was in fact the cause of what has given ground for the complaint. The Paymaster General in settling the accounts of the army governed himself, as was his duty by the Resolution of Congress, in consequence of which the lines of some States may have received double pay from the 1st of August to the last of December, 1780.

To remedy this evil which has arisen from these irregular settlements your Committee recommend the following resolution:

Resolved, That the paymaster general be directed to govern himself in settling the accounts of the army, since the year 1779, by the payments made by the different States to their respective lines in the year 1780, so that where the pay has been secured by the State, the same shall not be again secured by the U. S.¹

Whereas by the 5th Article of the Confederation it is provided that "For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislatures of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them at any time within the year and to send others in their stead for the remainder of the year;"

And whereas by the above article the annual appointment ~~must~~ should be so made as to take effect on the first Monday in November, and ~~cannot be~~ ought not to be considered in future as valid unless conformable thereto, as a different construction will ~~tend greatly to defeat~~ embarrass another provision in the Confederation, which is that "no person shall be capable of being a delegate for more than three years in any term of six years." Therefore,

Resolved, That the legislatures of the respective states be informed that it will be indispensably necessary for them to regulate the

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 20, I, folio 345. According to the indorsement, and the record in Committee Books 186 and 191, the report was delivered February 13, the Address of the Assembly of Connecticut having been committed on January 13. The report was recommitted on this day to Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [William] Ellery, who delivered a report March 1, which was debated April 22.

choice of their delegates conformably to the above article of the Confederation, in order that the federal year may uniformly commence at the time appointed.¹

FRIDAY, FEBRUARY 27, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

On motion of Mr. [Jacob] Read, seconded by Mr. [Samuel] Osgood,

Whereas the United States in Congress assembled, are well informed, and entertain a just sense of the great bravery, intelligence, zeal and activity manifested during the course of the late war with Great Britain, by Brigadier General Armand, Marquis de Rouerie, in the service of the United States: And whereas it also appears by a letter from the late Commander in Chief, dated at Philadelphia, 15 December, 1783, addressed to the said General Armand, that, superadded to general merit for good conduct, vigilance and bravery, General Armand has, in a variety of instances,

¹ This motion is in the *Papers of the Continental Congress*, No. 23, folio 243. The following form, in the writing of Samuel Osgood is on folio 244.

~~The State (or Commonwealth of) _____ to the United States in Congress assembled
Greeting This is to certify that our trusty and well beloved _____ duly appointed
to represent this _____ in Congress of the United States for one year commencing
the first Monday in November next or where any are appointed within the year in
the room of any resigned or removed until the first Monday in November next in
the room of _____~~

~~Witness his Excellency our Governor, President, Secretary, or as the case may be
And the great seal of the State.~~

The indorsement states: "Motion of Mr. [Samuel] Osgood Feb. 26, 1783, referred to Mr. [Roger] Sherman, Mr. [Thomas] Jefferson, Mr. [John] Beatty, Mr. [Jeremiah Townley] Chase and Mr. [Hugh] Williamson." Committee Book No. 186 states that the committee was renewed May 11.

particularly signalized himself as an excellent officer and great partizan, and frequently rendered the United States very valuable services.

Resolved, That the president write a letter to General Armand, Marquis de la Rouerie, expressive of the high sense Congress are impressed with, of the services he has rendered the United States, in the course of the late war with Great Britain, and of the entire approbation the United States in Congress assembled, entertain of his bravery, activity and zeal, so often evidenced in the cause of America.

~~*Resolved*, That the Ministers Plenipotentiary of the United States at the Court of Versailles, be and they are hereby directed to recommend Brigadier General Armand, Marquis de la Rouerie, in the warmest terms to the favour and notice of his Most Christian Majesty, as an intelligent brave and excellent officer.¹~~

According to the order of the day, Congress proceeded to the election of a Secretary for foreign affairs, but not agreeing in the choice,

Resolved, That the order for electing a Secretary for foreign affairs, be postponed till Monday next.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, in the words following:

Whereas, on the 4 day of June last Congress resolved, "That the Secretary of Congress be directed to receive the papers of the office of foreign affairs into his care, till a successor to Mr. Livingston be appointed; and that the next Wednesday (which then ensued) be assigned for the election of a Secretary of the department of foreign affairs:" And whereas the Secretary of Congress has, in consequence of the said resolve, received cases without examining their contents, supposed to contain the said papers, and also the books of

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 315.

the office of foreign affairs, and informs Congress that he has kept the said cases locked and sealed to the present period.

~~Alleging the sense of Congress informally as his authority, notwithstanding he was not thereto authorized by Congress and has been often applied to by Members there of for the perusal of the said Books and papers as containing information indispensibly necessary for arranging and conducting the most important concerns of the United States.~~

And whereas Congress have not hitherto been able to unite in the election of a principal or a deputy for the said department, and it cannot be conceived, neither does the resolution import, that the members of this house, who have a constitutional right to a free access to all the books and files of Congress, should, under such circumstances, or under any pretence whatever, be deprived of the perusal of those important documents; it is therefore

Resolved, That the Secretary of Congress be directed forthwith to cause a list to be taken of the books and papers of the office of foreign affairs, received by him, pursuant to a resolve of the 4 of June last, and that any member of Congress shall have access to the same, agreeable to the regulations prescribed for the department of foreign affairs.¹

A motion was made by Mr. [Thomas] Jefferson, seconded by Mr. [Jacob] Read, to strike out the words, "and whereas the Secretary of Congress, &c. down to "period," inclusive, and on the question, shall those words stand the yeas and nays being required by Mr. [Elbridge] Gerry,

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 319. A record of the four votes taken on this motion is on folio 323.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Mifflin,	ay	} div.
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Gerry,	ay	} ay	<i>Delaware,</i>		} *
Partridge,	ay		Mr. Tilton,	ay	
Osgood,	ay		<i>Virginia,</i>		} no
<i>Rhode Island,</i>		Mr. Jefferson,	no		
Mr. Ellery,	ay	Hardy,	no		
Howell,	ay	Lee,	ay		
<i>Connecticut,</i>		} ay	Monroe,	no	} no
Mr. Sherman,	ay		<i>North Carolina,</i>		
Wadsworth,	ay	Mr. Williamson,	ay	div.	
<i>New Jersey,</i>		} ay	Spaight,	no	} no
Mr. Beatty,	ay		<i>South Carolina,</i>		
Dick,	ay		Mr. Read,	no	
			Beresford,	no	

So the question was lost, and words were struck out.

A motion was then made by Mr. [Thomas] Jefferson, seconded by Mr. [Jacob] Read, to strike out the words, "neither does the resolution import;" and the question being put, shall those words stand, passed in the negative, and the words were struck out.

A motion was then made by Mr. [Jacob] Read, seconded by Mr. [James] Tilton, that the further consideration of the motion be postponed till Tuesday next.

To postpone till Tuesday next ~~before~~ at which time it is presumed Congress will elect an under Secretary for the Office of Foreign Affairs.

Mr. Reed

Mr. Tilton.¹

Mr. [David] Howell desiring that the motion be divided, and a question taken on the first part, as far as "postponed," inclusive. On the question to agree to the motion, that the further consideration of the motion be postponed, the yeas and nays being required by Mr. [Jacob] Read,

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 327.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Mifflin,	no	} div.
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Gerry,	no	} no	<i>Delaware,</i>		} *
Partridge,	no		Mr. Tilton,	ay	
Osgood,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jefferson,	no	} no
Mr. Ellery,	no	} no	Hardy,	no	
Howell,	no		Lee,	no	
<i>Connecticut,</i>			Monroe,	no	} ay
Mr. Sherman,	no	} no	<i>North Carolina,</i>		
Wadsworth,	no		Mr. Williamson,	ay	
<i>New Jersey,</i>			Spaight,	ay	} ay
Mr. Beatty,	no	} no	<i>South Carolina,</i>		
Dick,	no		Mr. Read,	ay	
			Beresford,	ay	

So the question was lost.

On the question to agree that the further consideration of the motion be postponed till Tuesday next, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Mifflin,	no	} div.
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Gerry,	no	} no	<i>Delaware,</i>		} *
Partridge,	no		Mr. Tilton,	ay	
Osgood,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jefferson,	no	} no
Mr. Ellery,	no	} no	Hardy,	no	
Howell,	no		Lee,	no	
<i>Connecticut,</i>			Monroe,	no	} ay
Mr. Sherman,	no	} no	<i>North Carolina,</i>		
Wadsworth,	no		Mr. Williamson,	ay	
<i>New Jersey,</i>			Spaight,	ay	} ay
Mr. Beatty,	no	} no	<i>South Carolina,</i>		
Dick,	no		Mr. Read,	ay	
			Beresford,	ay	

So the question was lost.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Mifflin,	ay	} div.
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Gerry,	ay	} ay	<i>Delaware,</i>		} *
Partridge,	ay		Mr. Tilton,	ay	
Osgood,	ay		<i>Virginia,</i>		} ay
<i>Rhode Island,</i>		Mr. Jefferson,	ay		
Mr. Ellery,	ay	Hardy,	ay		
Howell,	ay	Lee,	ay	} *	
<i>Connecticut,</i>		Monroe,	ay		
Mr. Sherman,	ay	} ay	<i>North Carolina,</i>		} *
Wadsworth,	ay		Mr. Spaight,	no	
<i>New Jersey,</i>		} ay	<i>South Carolina,</i>		} div.
Mr. Beatty,	ay		Mr. Read,	no	
Dick,	ay		Beresford,	ay	

So the question was lost.

The Committee consisting of M^r [Arthur] Lee, M^r [William] Ellery, and M^r [John] Beatty, to which a motion of M^r [David] Howell was referred beg leave to submit the following resolution.

Resolved, That the President be directed to write to the Executives of the States, which are now unrepresented informing them—That notwithstanding the necessity of a full representation in Congress has been repeatedly pressed upon the States, yet there are not nine represented. That the settling a general peace with the Indians, assigning to each State its quota of the National debt, arranging our foreign affairs and the settlement of the western territory; together with many other transactions of the last importance to the honor and interest of the Union, require indispensibly the presence of nine States, and ought to have the fullest representation. That Congress think it will be expedient to adjourn in May and leave the business of lesser moment to a Committee of the States.

That therefore the Executives of the States now unrepresented, be most earnestly requested to exert themselves immediately and effectually in urging on the respective Delegations that business of

such high concern to the public may be no longer delayed by their absence.¹

MONDAY, MARCH 1, 1784.

Mr. Jonathan Blanchard, a delegate for the State of New Hampshire, attended, and produced credentials, by which it appears, that on the 26th of December last, he was duly appointed to represent that State in the Congress of the United States, until the first Monday in November next.

STATE OF NEW }
HAMPSHIRE } IN HOUSE OF REPRESENTATIVES Dec: 26th 1783.

Voted, that the Hon^{ble} Jonathan Blanchard Esq: be and he hereby is appointed a Delegate to represent this State in the Congress of the United States untill the first Monday of November next unless sooner relieved or recall'd by the General Assembly of this State with all the Powers & Priviledges which other Delegates from this State have heretofore had & enjoyed agreeable to the Confederation of the United States.

Sent up for Concurrence,

JOHN DUDLEY, *Speaker*.

In Council the same day read & concurred,

E. THOMPSON, *Sec^y*

Copy Exam^d

Per J. PEARSON, *D. Sec^y* ²

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 23, folio 183. The indorsement shows that it was postponed on this day and ordered to be filed.

² The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

Sometime in this month (February), as the indorsement indicates, was read a petition of Anthony Selin. It is in No. 42, VII, folio 184.

A letter, of 31 January, from J. Bartlett, President P. T. State of New Hampshire, was read, and also an enclosed copy of an Act passed by the said State, January 1 and 2, 1784, entitled "An Act for granting to the United States in Congress assembled, certain imposts and duties upon foreign goods imported into this State, and for the purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain."¹

A petition of Colonel George Morgan, being read in the words following:

To the United States of America in Congress assembled.

The petition of colonel George Morgan, agent for the State of New Jersey, respectfully sheweth. That a controversy now subsists between the said State, and the Commonwealth of Virginia, respecting a tract of land called Indiana, lying on the river Ohio, and being within the United States. That your petitioner and others, owners of the said tract of land, labour under grievances from the said Commonwealth of Virginia, whose legislature have set up pretensions thereto: that in consequence of instructions from the legislature of New Jersey, to their delegates in Congress, Anno 1781, and the petitions of Indiana proprietors, Annis 1779, 1780 and 1781, a hearing was obtained before a very respectable committee of Congress, who, after a full and patient investigation of the matter, did unanimously report, as will appear on reference to their printed journals, for May, 1782, page 364, "that the purchase of the Indiana company, was made *bona fide* for a valuable consideration, according to the then usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the Crown of Great Britain, and the then governments of New York and Virginia." That notwithstanding this report, the State of Virginia still continues to claim the lands in question, to the great injury of your petitioner and others. That your petitioner in behalf of himself and the other proprietors of the said tract of land, applied to the said State of New Jersey, of which some of them are citizens, for its protection. That the legislature of the said State thereupon nominated and appointed your petitioner, the lawful agent of the said

¹ Bartlett's letter is in the *Papers of the Continental Congress*, No. 64, folio 242.

State, for the express purpose of preparing and presenting to Congress, a memorial or petition on the part and behalf of the said State, representing the matter of the complaint aforesaid, to pray for a hearing, and to prosecute the said hearing to issue, in the mode pointed out by the Articles of Confederation. That the said legislature ordered that a commission should be issued by the executive authority of the said State, to your petitioner, for the purposes aforesaid. That a commission was accordingly issued to your petitioner, by the executive authority of the said state, a copy whereof accompanies this petition. That your petitioner doth most expressly deny that the State of Virginia hath any just or lawful claim to the lands in question, and doth declare them to be the property of your petitioner, and others as above mentioned. Wherefore your petitioner as lawful agent of the said State of New Jersey, prays for a hearing in the premises, agreeably to the ninth Article of Confederation and perpetual Union between the United States of America. Annapolis, February 26th, 1784. (Signed) George Morgan, agent for the State of New Jersey.

A motion was made by Mr. [John] Beatty, seconded by Mr. [John] Montgomery, that the said petition be committed: And on the question for commitment, the yeas and nays being required by Mr. [John] Beatty,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Tilton,	ay	} *
Partridge,	ay		<i>Maryland,</i>		
Osgood,	no		Mr. Chase,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Jefferson,	no	} no
Howell,	ay		Hardy,	no	
<i>Connecticut,</i>			Monroe,	no	
Mr. Sherman,	ay	} div.	<i>North Carolina,</i>		
Wadsworth,	no		Mr. Williamson,	no	} no
<i>New Jersey,</i>			Spaight,	no	
Mr. Beatty,	ay	} ay	<i>South Carolina,</i>		
Dick,	ay		Mr. Read,	no	} div.
			Beresford,	ay	

So the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read,

That a committee be appointed to consider and prepare an answer to the State of New Jersey, to the application which has been made by Colonel George Morgan, in behalf of that State, for the appointment of a court, under the ninth of the Articles of Confederation, to determine the claim of certain citizens of New Jersey, to a tract of land claimed by the Commonwealth of Virginia to be within its jurisdiction.

On the question to agree to this, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} div.
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	no	} no	Mr. Tilton,	no	} *
Partridge,	ay		<i>Virginia,</i>		
Osgood,	no		Mr. Jefferson,	no	
<i>Rhode Island,</i>			Hardy,	no	} no
Mr. Ellery,	no		Lee,	no	
Howell,	no		Monroe,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	ay	} div.	Mr. Williamson,	ay	} ay
Wadsworth,	no		Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Beatty,	no	} no	Mr. Read,	ay	} ay
Dick,	no		Beresford,	ay	

So the question was lost.

A motion was made by Mr. [David] Howell, seconded by Mr. [Richard Dobbs] Spaight,

Whereas the general Assembly of Virginia at their session, commencing on the 20 day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled all the right of that

Commonwealth, to the territory northwestward of the river Ohio: And whereas the delegates of the said Commonwealth, have presented to Congress the form of a deed proposed to be executed pursuant to the said Act, in the words following:

To all who shall see these presents, we Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

[Whereas the general assembly of the Commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act, entitled "An Act to authorize the delegates of this State in Congress, to convey to the United States in Congress assembled, all the right of this commonwealth, to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year 1780, recommend to the several states in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the 2d day of January, in the year 1781, yield to the Congress of the United States, for the benefit of the said states, all right, title and claim which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled, have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will in justice to this State, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the union. Be it enacted by the General Assembly, that it shall and may be lawful for the delegates of this State, to the Congress of the United States, or such of them as shall be as-

sembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign and make over unto the United States in Congress assembled, for the benefit of the said states, all right, title and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress, of the 13th day of September last; that is to say, upon condition that the territory so ceded, shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the states so formed, shall be distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom and independence, as the other states. That the necessary and reasonable expences incurred by this State, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the 10th of October, 1780, respecting such expences. That the French and Canadian inhabitants, and other¹ settlers of the Kaskaskies, St. Vincents, and the neighbouring villages who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the

¹ The portion in brackets was entered in the Journal by Henry Remsen, Jun.

said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto, and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States, as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever. Provided that the trust hereby reposed in the delegates of this State, shall not be executed, unless three of them at least are present in Congress."

And whereas the said general assembly, by their resolution of June 6th, 1783, had constituted and appointed us the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now therefore know ye, that we the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia before recited, and in the name, and for and on behalf of the said Commonwealth, do by these presents convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said

Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the north-west of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the day of in the year of our Lord one thousand and seven hundred and eighty-four, and of the independence of the United States the eighth.”¹

Resolved, That the United States in Congress assembled, are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.²

A motion was made by Mr. [John] Beatty, seconded by Mr. [John] Montgomery, to add the following proviso: “Provided always, that the acceptance of the said cession, in manner and form aforesaid, shall not be considered as implying any opinion or decision of Congress respecting the extent or validity of the claim of the Commonwealth of Virginia, to western territory, by charter or otherwise.”³

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [John] Beatty,

<i>New Hampshire,</i>				<i>Connecticut,</i>		
Mr. Foster,	no	} no		Mr. Sherman,	no	} no
Blanchard,	no			Wadsworth,	no	
<i>Massachusetts,</i>				<i>New Jersey,</i>		
Mr. Gerry,	no	} no		Mr. Beatty,	ay	} ay
Osgood,	no			Dick,	ay	
<i>Rhode Island,</i>				<i>Pennsylvania,</i>		
Mr. Ellery,	ay	} ay		Mr. Mifflin,	ay	} ay
Howell,	ay			Montgomery,	ay	

¹ This form of the deed, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 30, folio 575.

² This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 329.

³ This motion, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 36, II, folio 331. The vote is indorsed on it.

<i>Delaware,</i>				<i>North Carolina,</i>		
Mr. Tilton,	no	} *		Mr. Williamson,	no	} no
<i>Virginia,</i>				Spaight,	no	
Mr. Jefferson,	no	} no		<i>South Carolina,</i>		
Hardy,	no			Mr. Read,	no	} no
Lee,	no			Beresford,	no	
Monroe,	no	}				

So it passed in the negative.

On the question to agree to the motion of Mr. [David] Howell, the yeas and nays being required by Mr. [Richard] Beresford,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay		Mr. Mifflin,	ay	} ay
Blanchard,	ay			Montgomery,	ay	
<i>Massachusetts,</i>				<i>Delaware,</i>		} *
Mr. Gerry,	ay	} ay		Mr. Tilton,	ay	
Partridge,	ay			<i>Virginia,</i>		
Osgood,	ay	}		Mr. Jefferson,	ay	} ay
<i>Rhode Island,</i>				Hardy,	ay	
Mr. Ellery,	ay	} ay		Lee,	ay	
Howell,	ay	}		Monroe,	ay	
<i>Connecticut,</i>				<i>North Carolina,</i>		
Mr. Sherman,	ay	} ay		Mr. Williamson,	ay	} ay
Wadsworth,	ay	}		Spaight,	ay	
<i>New Jersey,</i>				<i>South Carolina,</i>		
Mr. Beatty,	no	} no		Mr. Read,	ay	} div.
Dick,	no	}		Beresford,	no	

So it was resolved in the affirmative.

The delegates of Virginia then proceeded, and signed, sealed and delivered the said deed; Whereupon Congress came to the following resolution:

The delegates of the Commonwealth of Virginia, having executed the deed:

Resolved, That the same be recorded and enrolled among the acts of the United States in Congress assembled.²

² This resolution, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 333.

The Committee [Mr. Thomas Jefferson, Mr. Jeremiah Townley Chase and Mr. David Howell] appointed to prepare a plan for the temporary government of the western territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by Individual States to the United States whensoever the same shall have been purchased of the Indian inhabitants and offered for sale by the U. S., shall be formed into distinct States, bounded in the following manner as nearly as such cessions will admit, that is to say, Northwardly and Southwardly by parallels of latitude so that each State shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty one degrees North of the Equator, but any territory Northwardly of the 47th degree shall make part of the State next below. And Eastwardly and Westwardly they shall be bounded, those on the Mississippi by that river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the east by the same meridian on their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanhaway. And the territory eastward of this last meridian between the Ohio, Lake Erie and Pennsylvania shall be one State.

That the settlers within ~~any of the said states~~ the Territory so to be purchased and offered for sale shall either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants, when giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided that both the temporary and permanent Governments be established on these principles as their basis

1. [That they shall forever remain a part of the United States of America.]

2. That in their persons, property and territory they shall be subject to the government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

3. That they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress according to the same common rule and measure, by which apportionments thereof shall be made on the other States.

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

5. That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said States shall have, of free inhabitants as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the said original States, after which the assent of two thirds of the United States in Congress assembled shall be requisite in all those cases, wherein by the Confederation, the assent of nine States is now required, provided the consent of nine States to such admission may be obtained according to the eleventh of the Articles of Confederation. Until such admission by their Delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

That the Territory northward of the 45th degree, that is to say of the completion of 45° from the equator and ~~westward of Lake Superior~~ extending to the Lake of the Woods, shall be called **Sylvania**; that of the territory under the 45th and 44th degrees, that which lies westward of Lake Michigan shall be called **Michigania**; and that which is eastward thereof within the peninsula formed by the Lakes and waters of Michigan, Huron, St Clair and Erie shall be called **Cherronesus**, and shall include any part of the peninsula which may extend above the 45th degree. Of the territory under the 43^d & 42^d degrees, that to the westward thro' which the Assenisipi or Rock river runs shall be called **Assenisipia**; and that to the eastward in

which are the fountains of the Muskingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the Lake and Sandusky rivers, shall be called **Metropotamia**; of the territory which lies under the 41st and 40th degrees, the western, thro' which the river Illinois runs, shall be called **Illinoia**; that next adjoining to the eastward **Saratoga**, and that between this last and Pennsylvania and extending from the Ohio to Lake Erie, shall be called **Washington**; of the territory which lies under the 39th and 38th degrees to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the 37th degree, that to the westward within and adjacent to which are the confluences of the rivers Wabash, Shawanee, Tanssee, Ohio, Illinois, Missisipi and Missouri, shall be called **Polypotamia**, and that to the eastward farther up the Ohio, otherwise called the Pelisipi shall be called **Pelisipia**.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the President of the U. S. in Congress assembled under his hand and the seal of the United States, shall be promulgated and shall stand as fundamental constitutions between the thirteen original States, and those now newly described, unalterable but by the joint consent of the U. S. in Congress assembled and of the particular State within which such alteration is proposed to be made.¹

The Committee of qualifications [Mr. Roger Sherman, Mr. Thomas Jefferson, Mr. John Beatty, Mr. Jeremiah Townley Chase and Mr. Hugh Williamson] appointed to examine the Commissions or credentials of the Members beg leave to submit to Congress the following Report:

That M^r [Samuel] Osgood, a Delegate from the State of Massachusetts, was on the 9th day of July last appointed by the legislature of that State a Delegate to Congress for one year to commence the first Monday of November then next.

That on the 14th of February, 1781, he was appointed a Delegate for said State from that time to the first day of November then next, and on the 12th of June then next took his seat in Congress.

That on the 25th of June, 1781, the said M^r [Samuel] Osgood was again appointed to said office for one year commencing the first

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 30, folios 49-51. The indorsement states that it was read on this day, Monday next assigned for the consideration of this report; March 17, 1784, recommitted.

monday of November 1781. and on the 7th of June, 1782, he was again elected for one year, to commence the first monday of Nov., 1782. That he accepted said trust under each of said appointments.

That the final ratification of the Articles of Confederation was completed on the first day of March, 1781. That Congress assembled on the 2nd of March, 1781, and took special notice of said Ratification and entered on the Journal the names of the members then present. Whereupon the Committee are of opinion that M^r [Samuel] Osgood, is by the 5th Article of the Confederation, *incapable of being a Delegate in Congress after the first day of March, 1784, he having been a Delegate three years since the ratification of the Articles of Confederation expiring on that day.*¹

The Committee of the week, [Mr. Samuel Hardy, Mr. Abiel Foster and Mr. James Tilton] report, that the representation from Cap^t: Frederick Paschke late of the legion commanded by Count Pulaski setting forth that he had accounted for the money he received for the purpose of going to Europe and praying that the benefit of the resolution of Congress of the 27 of April, 1778, might be extended to him, ought to be referred to a Committee.

They also report, that the petition of Terrason Brothers & C^o: of Philadelphia, praying the appointment of American Consuls for the cities of Sette, Marseilles and Leghorn ought to be read in Congress.²

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 23, folio 241. Thomson has noted thereon: "Mr. Gerry, Mr. Foster" and in another hand is: "To commit with amendment Mr. Williamson, Mr. Lee." The indorsement states that it was made on this day, Wednesday next assigned for consideration; on March 3rd postponed till the 4th and on March 5 referred to Mr. [William] Ellery, Mr. [Jacob] Read and Mr. [Hugh] Williamson.

² This report, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 32, folio 535. According to the indorsement it was presented on this day. Tarrason Brothers & Co's. petition is in No. 42, VII, folio 459.

On this day, as the indorsement indicates, a memorial of Blair McClenachan was read. It is in No. 41, VI, folio 331.

Also, a petition from Colonel George Morgan. It is in No. 42, V, folio 291.

Also, a representation, dated Annapolis, January 24, 1784, of Captain Paschke which was referred to Mr. ~~James Tilton~~, Mr. [Richard Dobbs] Spaight and Mr. Jonathan Blanchard. It is in No. 43, folio 213. Committee Book, No. 186, shows that the committee was renewed April 19, 1784.

TUESDAY, MARCH 2, 1784.

Congress assembled: Present as yesterday.

According to the order of the day, Congress proceeded to the election of an under secretary in the office for foreign affairs, to take charge of the papers in that office; and, the ballots being taken, Mr. Henry Remsen, Jun^r was elected, having been previously nominated by Mr. [Elbridge] Gerry.¹

Ordered, That the election of a deputy Secretary be postponed till to-morrow.

Congress proceeded to the election of a Secretary for foreign affairs, but not coming to a choice,

Ordered, That the election of a Secretary for foreign affairs be postponed, until the Committee appointed to consider what reductions may be made in the civil list, and who were directed to report specially on each department, shall have reported.

On motion of Mr. [David] Howell, seconded by Mr. [Elbridge] Gerry,

Resolved, That Mr. H. Remsen, Jun^r under secretary in the Office of foreign affairs, be, and he is hereby authorized and directed, to take a list of all the papers in the office for foreign affairs, and lay the same before Congress; and that the members of Congress have access to the said papers, under the regulations of the Office.²

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

Ordered, That to-morrow be assigned for the consideration of Indian affairs.³

¹ This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs.

² This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

³ On this day, as the indorsement indicates, a letter of February 3, from Francis Dana, was read. It is in the *Papers of the Continental Congress*, No. 48, VIII, folio 61.

WEDNESDAY, MARCH 3, 1784.

Congress assembled: Present, the same states as yesterday, and from the State of Delaware, Mr. [James] Tilton.

According to the order of the day, Congress proceeded to the consideration of Indian affairs; and on motion of Mr. [David] Howell, seconded by Mr. [William] Ellery,

Resolved, That to-morrow be assigned for electing five commissioners to negotiate with the Indians.

On motion of Mr. [David] Howell, seconded by Mr. [Arthur] Lee,

Resolved, That a committee be appointed to revise the 4th and 5th of the instructions of the 15 of October last, to the commissioners to be appointed to negotiate a treaty with the Indians, and to report the alterations necessary to be made.

~~On motion of Mr. [William] Ellery, seconded by Mr. [Arthur] Lee,~~

~~*Resolved*, That there be added to the number five, and that seven commissioners be elected for negotiating with the Indians.~~

~~That the Delegates of each state from New Hampshire to Virginia inclusively be authorized to nominate two persons, and that from such nominations, five Commissioners to negotiate a peace with the Indians pursuant to the resolution of Congress of and after the day of last be appointed in the following manner, viz, one Commissioner from the states of New Hampshire, Massachusetts and R. Island and Providence Plantations; one from Connecticut, New York and N. Jersey, one from Pennsylvania, Delaware and Maryland; one from Virginia and N. Carolina, and one from South Carolina and Georgia. That the time and place of the first meeting of the Commissioners be ordered by Congress and notified to each of them by the Secretary; and that any three or more of them be authorized to proceed in the business from time to time,~~

provided the others shall have been duly notified of each meeting or adjournment in such manner as a Majority may direct.

M^r Gerry, M^r Partridge.¹

THURSDAY, MARCH 4, 1784.

Congress assembled: Present, the same states as yesterday, and from the State of Delaware, Mr. [James] Tilton, and from Maryland, Mr. [Jeremiah Townley] Chase.

Congress proceeded to the election of five Commissioners to negotiate with the Indians; and, the ballots being taken, Mr. George Rogers Clarke, Mr. Oliver Wolcott, Mr. Nathaniel Greene, Mr. Richard Butler and Mr. Stephen Higgenson were elected.²

Ordered, That the election of a deputy secretary be postponed.

The Committee of the Week [Mr. Jonathan Blanchard, Mr. Samuel Dick and Mr. James Wadsworth] report,

On the petition of John David Woelpper formerly of the German Regiment and late of the Invalid Regiment in the Barracks at Philadelphia. That the petition lay on the table.

On the petition of Bodo Otto late a Surgeon in the service of the United States. That the said petition lay on the table.³

FRIDAY, MARCH 5, 1784.

Congress assembled: Present as yesterday.

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Arthur] Lee, appointed to consider and report what further arrangements

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 337. The indorsement shows that it was debated on this day, and postponed till to-morrow.

² The vote on the election of the commissioners is in the *Papers of the Continental Congress*, No. 36, II, folio 335.

³ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 539. According to the indorsement it was presented on this day.

On this day, as the indorsement indicates, was read a letter of 8 February, from David S. Franks. It is in No. 78, IX, folio 511.

are necessary to carry into effect the proposed treaty with the Indians;

Resolved, That the president immediately inform the gentlemen elected commissioners for holding a treaty with the Indians, of the said election, and that, as it is the wish of Congress, that the negotiations should commence as soon as possible, the commissioners are desired to meet at New York, on the 10th day of April next, to fix upon the times and places of holding the treaties with the different nations and tribes of Indians, and give them respectively the speediest information of the time and place determined on, inviting them to meet accordingly.

Resolved, That all appointments of persons for negotiating with the Indians, prior to that of the 4 instant, be, and they are hereby revoked.

Ordered, That the secretary prepare and lay before Congress, the form of a commission, for the persons appointed to negotiate with the Indians, making any three of the same competent to the business of their commission.

Resolved, That each of the Commissioners attending the Treaty shall be allowed ——— dollars a day, in full for his services during such attendance exclusive of his expences necessarily incurred.¹

The Committee [M^r Hugh Williamson, M^r Elbridge Gerry, M^r James Tilton, M^r Thomas Jefferson, M^r James McHenry] appointed

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 30, folio 207. A memorandum of the motions consequent upon the last paragraph, which was lost, is indorsed on the report, as follows:

To postpone, M ^r Gerry, }	4 dollars, M ^r Reed, }
M ^r Spaight, }	M ^r Bedford, }
To commit, M ^r Lee, }	Eight, M ^r Spaight, }
M ^r Reed, }	M ^r Reed, }
M ^r Tilton, }	Seven, M ^r Gerry, }
M ^r Montgomery, }	M ^r Spaight, }
5 dollars, lost.	lost.
Six, M ^r Sherman, }	M ^r Gerry, }
M ^r Williamson, }	M ^r Spaight, }
lost.	6 $\frac{3}{4}$, lost.
M ^r Partridge, }	M ^r Sherman, }
7 $\frac{1}{2}$, lost.	M ^r Lee, }
M ^r Reed, }	6 $\frac{1}{2}$, lost.

to consider what reductions may be made in the civil List have agreed to the following resolutions,

Resolved, That the following offices be discontinued to wit:

The Chargé des affaires at the Court of Madrid whose salary is.....	Dollars. 4444
Agent at the Hague.....	920
2 nd Under Secretary of Foreign Affairs.....	700
The Secretary of the War office.....	1000
Agent of Marine.....	1500
Paymaster.....	1000
Commissary of prisoners.....	1200
The Assistant to the Superintendent of Finance.....	1850
3 Clerks in the Office of Finance (meaning that 3 shall remain).....	1500
1 Clerk to the Comptroller.....	500
2 Auditors.....	2000
1 Chaplain.....	400
The establishment of the jail.....	1338 $\frac{1}{3}$
Doorkeeper to Congress.....	400

Whereby an annual saving will accrue to the United States of..... 18,752 $\frac{1}{3}$ dolls.

Resolved, That the following salaries may be reduced by taking from the allowances heretofore established the following sums, Dolls.

The Superintendent of Finance.....	2000
The three foreign Ministers each 1111 $\frac{1}{3}$ dols.....	3333 $\frac{1}{3}$

Whereby an annual saving will accrue to the United States of. 5333 $\frac{1}{3}$

Resolved, That instead of the annual salary heretofore allowed to the Judges of the Court of appeals they be allowed on every special occasion, wherein they shall be called on, the sum of 14 Dollars each for every day they shall sit in Court, and the same for every day necessarily employed in travelling to and from Court.

Resolved, That after the day of the following offices may be discontinued:

13 Commissioners for settling the accounts of the United States in the several States.....	Dolls. 19,500
9 Clerks to the said Commissioners.....	4,500

5 Commissioners for settling the Accts. of the Staff Depart- ments.....	Dolls. 7, 500
9 Clerks to the Commissioners last mentioned.....	4, 500

Whereby an annual saving will thence ensue of..... 36, 000

Resolved, That the duties of Agent of Marine be performed by the Secretary at War, who for his assistance therein shall retain a Secretary of Marine heretofore allowed in the office of the Agent of Marine.

A view of the Civil List as proposed to be reduced, (stated for the satisfaction of the House, but not made a part of the Report.)

Secretary of Con- gress.....	3000 Doll.	Waiter.....	300
Deputy Secretary_	1000	Comptroller..	1850
2 Clerks.....	1000	Auditor.....	1000
Messenger..._	400— 5400	6 Clerks of ac- counts.....	3000
Chaplain.....	400	Register.....	1200
Secretary of For- eign Affairs....	4000	4 Clerks.....	2000
1 Under Sec- retary.....	800	Messenger..._	192
2 Clerks.....	1000— 5800	Treasurer....	1500
Secretary at War_	4000	Clerk.....	500—18042
Assistant..._	1250		<hr/>
2 Clerks.....	1000		37192
Secretary of Ma- rine.....	1000	3 Foreign Minis- ters @ 10000..._	30000
Messenger..._	300— 7550	1 Secretary of Em- bassy.....	1333 1/3
Superintendant of Finance.....	4000		<hr/>
Secretary....	1000		31333 1/3
3 Clerks.....	1500	Brought for- ward.....	37192
			<hr/>
			68525 1/3
		3 Judges of appeals. ¹	

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 26, folio 473. The indorsement states that it was read on this day.

[Report upon the motion for reducing certain loan office certificates.]

The Committee [Mr. Arthur Lee, Mr. Roger Sherman and Mr. Jacob Read] appointed on a motion of _____ for devising ways and means to discharge that part of the public debt consisting of Continental loan office certificates issued between the 1st of Sept. 1777 and the 1st of March 1778, beg leave to report,

That it appears from accounts certified by the Register, that the nominal amount of the said certificates is 3,459,000 dollars on which by virtue of the Resolutions of Congress an annual Interest of 6 per ct. is payable in specie amounting to 207,540 dollars. That the said principal sum reduced to specie value by the scale adopted for that purpose amounts to 2,438,571 dols. which at 6 per ct. would bear an annual interest of 146,314 dols., so that the Interest now paid on the nominal sum of the said certificates is a little more than eight and an half per cent per annum on the real sum and exceeds the interest of 6 per ct. on the specie value 61,226 dols. per annum, the saving of which is in the opinion of the Committee an object worthy of the immediate attention of ~~Congress~~ the States.

Upon which they submit the following resolution:

Whereas the loan office certificates issued on the credit of the U. S. between the 1st of September 1777 and the 1st of March 1778 draw an annual Interest of 6 per ct. on the nominal sum, being about 8 and an half per cent on the true value reduced by the continental scale of depreciation, the excess above 6 per ct. amounting annually to the sum of 61,226 dols. which cannot be remedied but by paying the principal due on the said certificates.

Resolved, That the States be called upon to raise in such way as may be most convenient to them and pay into the ~~Treasury of the United States~~ hands of the Continental Receivers in the respective States by the last day of December next, the sum of 2,500,000 dollars in the following proportions:

New Hampshire.....	87, 846	Delaware.....	37, 405
Massachusetts.....	374, 046	Maryland.....	235, 862
Rhode Island.....	53, 863	Virginia.....	427, 478
Connecticut.....	220, 154	North Carolina.....	181, 676
New York.....	213, 738	South Carolina.....	160, 305
New Jersey.....	138, 930	Georgia.....	26, 716
Pennsylvania.....	341, 982		

Which sums may be paid in money or in the loan office certificates aforesaid reduced to specie value by the continental scale of depreciation.

And that each State may be excited to a speedy compliance with this requisition, and not be prejudiced by the negligence of any other States—

Resolved, That the several States shall be allowed interest at the rate of 6 per ct pr annum on the nominal sums which shall be paid in the said certificates by them respectively from the time the same shall be paid into the hands of the Continental Receiver until every State shall have furnished its quota aforesaid.

Resolved, That the monies arising from the said Requisition be applied to the discharge of the principal of the said loan office certificates, and to no other purpose whatsoever.¹

MONDAY, MARCH 8, 1784.

Mr. Gunning Bedford, a delegate for the State of Delaware, attended.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina; and from the State of Maryland, Mr. [Jeremiah Townley] Chase.

Congress proceeded in the farther consideration of the report of the committee appointed to consider and report what further arrangements are necessary to carry into effect the proposed treaty with the Indians:

And the following paragraph being under debate, and amended to read,

That each of the commissioners attending the treaty, shall be allowed _____ dollars a day, in full for his services during such attendance, exclusive of his expences necessarily incurred.

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 29, folio 205. The indorsement states that it was read on this day and 19 Sept., 1786, referred to Mr. [Nathan] Dane, Mr. [Edward] Carrington and Mr. [Melancthon] Smith. See *post*, September 19, 1786.

A motion was made by Mr. [David] Howell, seconded by Mr. [James] Tilton, to strike out the words between "allowed" and "his expenses," and after "incurred," to add, "and such compensation for his time, as the nature and extent of his services may require."

A motion was made by Mr. [William] Ellery, seconded by Mr. [Elbridge] Gerry, to postpone the paragraph and amendment under debate, in order to take up the following:

That Congress will make each of the commissioners for negotiating a treaty with the Indians, an adequate compensation for his time and services; and that the Superintendent of finance be directed to advance each of them eight hundred dollars on account. And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	} ay	Mr. Bedford,	ay	} ay
Blanchard,	ay		Tilton,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. Chase,	no	} *
Partridge,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jefferson,	ay	} no
Mr. Ellery,	ay	} div.	Hardy,	no	
Howell,	no		Lee,	no	
<i>Connecticut,</i>			Monroe,	no	
Mr. Sherman,	ay	} div.	<i>North Carolina,</i>		} no
Wadsworth,	no		Mr. Williamson,	no	
<i>New Jersey,</i>			Spaight,	no	} no
Mr. Beatty,	ay	} ay	<i>South Carolina,</i>		
Dick,	ay		Mr. Read,	no	
<i>Pennsylvania,</i>			Beresford,	no	
Mr. Mifflin,	ay	} div.			
Montgomery,	no				

So the question was lost.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read,

To postpone the consideration of the paragraph under debate, together with the amendment proposed, in order to take up the following: "That each of the commissioners for negotiating with the Indians, be allowed seven dollars a day for his services and expences:" And on the question for postponing, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	} ay	Mr. Bedford,	no	} no
Blanchard,	ay		Tilton,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. Chase,	ay	} *
Partridge	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jefferson,	ay	} ay
Mr. Ellery,	ay	} div.	Hardy,	ay	
Howell,	no			Lee,	
<i>Connecticut,</i>			Monroe,	ay	
Mr. Sherman,	ay	} ay	<i>North Carolina,</i>		
Wadsworth,	ay		Mr. Williamson,	ay	} ay
<i>New Jersey,</i>			Spaight,	ay	
Mr. Beatty,	ay	} ay	<i>South Carolina,</i>		
Dick,	ay		Mr. Read,	ay	} ay
<i>Pennsylvania,</i>			Beresford,	ay	
Mr. Mifflin,	ay	} div.			
Montgomery,	no				

So it was resolved in the affirmative.

A motion was then made by Mr. [William] Ellery, seconded by Mr. [John] Beatty, to strike out the word "seven," in the motion before the house, and in lieu thereof to insert "six:"

And on the question to agree to this amendment, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>				<i>Delaware,</i>			
Mr. Foster,	no	}	no	Mr. Bedford,	no	}	div.
Blanchard,	no			Tilton,	ay		
<i>Massachusetts,</i>				<i>Maryland,</i>			
Mr. Gerry,	no	}	no	Mr. Chase,	no	}	*
Partridge,	no			<i>Virginia,</i>			
<i>Rhode Island,</i>				Mr. Jefferson,	no	}	no
Mr. Ellery,	ay	}	ay	Hardy,	no		
Howell,	ay			Lee,	no		
<i>Connecticut,</i>				Monroe,	no		
Mr. Sherman,	no	}	div.	<i>North Carolina,</i>		}	no
Wadsworth,	ay			Mr. Williamson,	no		
<i>New Jersey,</i>				Spaight,	no	}	*
Mr. Beatty,	ay	}	ay	<i>South Carolina,</i>			
Dick,	ay			Mr. Read,	no		
<i>Pennsylvania,</i>							
Mr. Mifflin,	no	}	no				
Montgomery,	no						

So the question was lost.

Ordered, That the further consideration of the motion be postponed till to-morrow.¹

TUESDAY, MARCH 9, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia and North Carolina; and from the State of Pennsylvania, Mr. [John] Montgomery, and from the State of South Carolina, Mr. [Jacob] Read.

¹ On this day, according to the indorsement, a letter of John Allan, dated February 9, 1784, was read. It is in the *Papers of the Continental Congress*, No. 58, folio 67.

Also, a letter of Joshua Barney, dated March 6, 1784. It was referred to the Agent of Marine. It is in No. 78, IV, folio 383.

WEDNESDAY, MARCH 10, 1784.

Only four states attending; namely, Massachusetts, Delaware, Virginia and North Carolina; and from the State of Rhode Island, Mr. [David] Howell; from Connecticut, Mr. [Roger] Sherman, and from South Carolina, Mr. [Jacob] Read.

THURSDAY, MARCH 11, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Virginia and North Carolina; and from the State of Pennsylvania, Mr. [John] Montgomery; from Delaware, Mr. [James] Tilton, and from South Carolina, Mr. [Jacob] Read.

FRIDAY, MARCH 12, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia and North Carolina; and from the State of Pennsylvania, Mr. [John] Montgomery, and from the State of South Carolina, Mr. [Jacob] Read.

The president being absent through indisposition, Congress proceeded to the choice of a chairman; and, the ballots being taken, Mr. Thomas Jefferson was elected.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read,

“That an addition be made of one commissioner, to those appointed on the 4th instant to negotiate with the Indians of the northern and middle departments.”

And on the question to agree to this, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Massachusetts,</i>		
Mr. Foster,	ay	}		Mr. Gerry,	ay
Blanchard,	ay			Partridge,	ay

<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} div	Mr. Jefferson,	ay	} ay
Howell,	no		Hardy,	ay	
<i>Connecticut,</i>			Lee,	ay	
Mr. Sherman,	no	} no	Monroe,	ay	} ay
Wadsworth,	no		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Williamson,	ay	} ay
Mr. Beatty,	no	} no	Spaight,	ay	
Dick,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Read,	ay	
Mr. Montgomery,	ay	} *			
<i>Delaware,</i>					
Mr. Bedford,	ay	} ay			
Tilton,	ay				

So the question was lost.

The secretary having, agreeable to order, prepared and laid before Congress, the form of a commission for the persons appointed to negotiate with the Indians; the same was agreed to, as follows:

The United States in Congress Assembled

To all who shall see these presents send Greeting:

Whereas, we have judged it proper that one or more convention or conventions be held with the Indians residing within the boundaries of the United States of America in the northern and middle departments comprehending the whole of the Indians known by the name of the Six Nations and all to the northward and westward of them and as far south as the Cherokees exclusive, for the purposes of receiving them into the favour and protection of the United States and of establishing boundary lines of property for separating and dividing the settlements of the citizens of the United States of America from the Indian villages and hunting grounds and thereby extinguishing as far as possible all occasion of future animosities, disquiet and vexation;

Now, therefore, Know Ye that we reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved George Rogers Clarke, Oliver Wolcott, Nathaniel Greene, Richard Butler and Stephen Higgenson, have nominated, constituted

and appointed and by these presents do nominate constitute and appoint them the said George Rogers Clarke, Oliver Wolcot, Nathaniel Greene, Richard Butler and Stephen Higgenson our commissioners giving and granting to them and to any three of them full power and authority for us and in our name to confer, treat, agree and conclude with the said Indians or with any nation or tribe of Indians within the boundaries of the United States or bordering thereon in the northern and middle departments aforesaid, of and concerning the establishment of peace with the said Indians, extinguishing their claims and settling boundaries between them and the citizens of the United States, in as ample form and with the same effect as if we were personally present and acted therein, hereby promising to hold valid and to fulfil and execute whatever shall be agreed upon, concluded and signed by our said commissioners or any three of them.

In testimony whereof we have caused the seal of the United States of America to be hereunto affixed, witness his Excellency Thomas Mifflin, president of the United States in Congress assembled this twelfth day of March in the year of our Lord one thousand seven hundred and eighty-four and of our Sovereignty and independence the eighth.

Congress took into consideration the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [William] Ellery, in answer to the address from the house of representatives of the State of Connecticut, enclosed in Mr. Williams's letter, of the 1 November, and the following paragraph being under debate, respecting the resolution granting half pay for life to the officers of the army.

“The resolution of Congress referred to, appears by the yeas and nays, to have been passed according to the then established rules of that body in transacting the business of the United States; the resolution itself had public notoriety, and does not appear to have been formally objected against by the legislature of any State till after the Confederation was completely adopted, nor till after the close of the war.”

A motion was made by Mr. [David] Howell, seconded by Mr. [Arthur] Lee, to strike out the words, "nor till after the close of the war."

And on the question, shall those words stand the yeas and nays being required by Mr. [Arthur] Lee,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Montgomery,	ay	} *
Blanchard,	no		<i>Delaware,</i>		
<i>Massachusetts,</i>			Mr. Bedford,	no	} no
Mr. Gerry,	no	} no	Tilton,	no	
Partridge,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jefferson,	no	} no
Mr. Ellery,	no	} no	Hardy,	no	
Howell,	no			Lee,	
<i>Connecticut,</i>			Monroe,	no	
Mr. Sherman,	no	} no	<i>North Carolina,</i>		
Wadsworth,	no			Mr. Williamson,	ay
<i>New Jersey,</i>			Spaight,	ay	
Mr. Dick,	no	} *	<i>South Carolina,</i>		
			Mr. Read,	ay	} *

So the question was lost, and the words were struck out.

The Committee [Mr. William Ellery, Mr. Jacob Read and Mr. Hugh Williamson] to whom the Report of the Committee of Qualifications, and a proposed amendment thereto were referred submit the following report.

Whereas the federal year begins on the first Monday in November, and great inconveniencies may be avoided by the several States annually electing their delegates to meet in Congress on the first Monday in November in every year.

Therefore, Resolved, That such states as have not already adopted that mode of appointment be requested to ~~enact laws for~~ make the annual appointment of their respective delegates to Congress in such manner as that the time of their annual services may commence on the first monday in November in every year.

Resolved, That computing the time of the services of M^r Osgood from the first monday in November, 1781, he will not have served

as a delegate to Congress three federal years until the first monday in November next.¹

SATURDAY, MARCH 13, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Virginia, North Carolina and South Carolina; and from the State of Pennsylvania, Mr. [John] Montgomery.

The standing committee of qualification, consisting of Mr. [Roger] Sherman, Mr. [Thomas] Jefferson, Mr. [John] Beatty, Mr. [Jeremiah Townley] Chase and Mr. [Hugh] Williamson, appointed to examine the commissions or credentials of the members that are, or may be in Congress till the first Monday of November next, and to report thereon, from time to time, to Congress, report,

That the delegates from the State of Delaware, now in Congress, were appointed on the first day of February, 1783, to represent that State in Congress, the ensuing year; that under said appointment, one of the members present took his seat in Congress on the 10th day of March, and the other on the 22d day of September, 1783. Whereupon, the committee are of opinion, that the year for which the said delegates were appointed, expired on the 1 day of February last.²

¹ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 23, folio 239. The indorsement states that it was read on this day; Saturday, 13th, assigned for consideration and on March 15, 1784, referred to the Committee on Qualifications.

On this, or an approximate date, was read a letter of March 10 from the Superintendent of Finance. It is in No. 137, III, folio 463.

² This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 23, folio 375. A copy is on folio 379.

On the question to agree to this report, the yeas and nays being required by Mr. [James] Tilton,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Montgomery,	ay	} *
Blanchard,	ay		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Jefferson,	ay	} ay
Mr. Gerry,	ay	} ay	Hardy,	ay	
Partridge,	ay		Lee,	ay	
<i>Rhode Island,</i>			Monroe,	ay	
Mr. Ellery,	ay	} div.	<i>North Carolina,</i>		} div.
Howell,	no		Mr. Williamson,	no	
<i>Connecticut,</i>			Spaight,	ay	
Mr. Sherman,	ay	} ay	<i>South Carolina,</i>		} ay
Wadsworth,	ay		Mr. Read,	ay	
<i>New Jersey,</i>			Beresford,	ay	
Mr. Beatty,	ay	} ay			
Dick,	ay				

So the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [Hugh] Williamson, in the words following:

As it appears to Congress, that Mr. G[unning] Bedford was appointed on the first day of February, 1783, by the State of Delaware, to represent the same in Congress for the year then ensuing, and that he took his seat in Congress pursuant to said appointment, on the 10 day of March following: *Resolved*, That the year for which Mr. [Gunning] Bedford was appointed, is expired.¹

A motion was made by Mr. [James] Monroe, seconded by Mr. [William] Ellery, to strike out the words, "on the 10 day of March following." And on the question, shall those words stand the yeas and nays being required by Mr. [Hugh] Williamson,

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 23, folio 377.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Foster,	no	} no	Mr. Montgomery,	no
Blanchard,	no		<i>Virginia,</i>	
<i>Massachusetts,</i>			Mr. Jefferson,	no
Mr. Gerry,	no	} no	Hardy,	no
Partridge,	no		Lee,	no
<i>Rhode Island,</i>			Monroe,	no
Mr. Ellery,	no	} div.	<i>North Carolina,</i>	
Howell,	ay		Mr. Williamson,	ay
<i>Connecticut,</i>			Spaight,	no
Mr. Sherman,	no	} no	<i>South Carolina,</i>	
Wadsworth,	no		Mr. Read,	no
<i>New Jersey,</i>			Beresford,	no
Mr. Beatty,	no	} no		
Dick,	no			

So it passed in the negative, and the words were struck out.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Virginia,</i>	
Mr. Foster,	ay	} ay	Mr. Jefferson,	ay
Blanchard,	ay		Hardy,	ay
<i>Massachusetts,</i>			Lee,	ay
Mr. Gerry,	ay	} ay	Monroe,	ay
Partridge,	ay		<i>North Carolina,</i>	
<i>Rhode Island,</i>			Mr. Williamson,	ay
Mr. Ellery,	ay	} ay	Spaight,	ay
Howell,	ay		<i>South Carolina,</i>	
<i>Connecticut,</i>			Mr. Read,	ay
Mr. Sherman,	ay	} ay	Beresford,	ay
Wadsworth,	ay			
<i>New Jersey,</i>				
Mr. Beatty,	ay	} ay		
Dick,	ay			

So it was resolved in the affirmative, as follows:

As it appears to Congress that Mr. [Gunning] Bedford was appointed on the first day of February, 1783, by the State of Delaware, to represent the same in Congress, for the year

then ensuing, and that he took his seat in Congress, pursuant to the said appointment:

Resolved, That the year for which Mr. G[unning] Bedford was appointed, is expired.

A motion was then made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read,

As it appears to Congress that Mr. [James] Tilton was appointed on the first day of February, 1783, by the state of Delaware, to represent the same in Congress, for the year then ensuing, and that he took his seat in Congress pursuant to the said appointment:

Resolved, That the year for which Mr. [James] Tilton was appointed, is expired.¹

On the question to agree to this, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>				<i>Virginia,</i>					
Mr. Foster,	ay	}	ay	Mr. Jefferson,	ay	}	ay		
Blanchard,	ay			Hardy,	ay				
<i>Massachusetts,</i>				Lee,	ay				
Mr. Gerry,	ay	}	ay	Monroe,	ay				
Partridge,	ay			<i>North Carolina,</i>		Mr. Williamson,	ay	}	ay
<i>Rhode Island,</i>				Spaight,	ay				
Mr. Ellery,	ay	}	*	<i>South Carolina,</i>					
<i>Connecticut,</i>				Mr. Sherman,	ay	Mr. Read,	ay	}	ay
Mr. Wadsworth,	ay			Beresford,	ay				
<i>New Jersey,</i>									
Mr. Beatty,	ay	}	ay						
Dick,	ay								

So it was resolved in the affirmative.

¹ This motion, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 23, folio 381.

MONDAY, MARCH 15, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia and North Carolina; and from the state of South Carolina, Mr. [Jacob] Read.

A motion being made by Mr. [John] Montgomery, seconded by Mr. [Thomas] Jefferson,

That one commissioner be appointed in addition to the five already chosen, to negotiate with the Indians ~~of the northwest~~, and to-morrow assigned for that purpose.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to amend by inserting the words, "from the State of New York," immediately after the word "commissioner." On this amendment the previous question was moved by the State of Rhode Island, seconded by the State of Connecticut, and on the question to agree to the previous question, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} div.
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Gerry,	no	} no	Mr. Jefferson,	ay	} no
Partridge,	no		Hardy,	no	
<i>Rhode Island,</i>			Lee,	no	
Mr. Ellery,	ay	} ay	Monroe,	no	
Howell,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Williamson,	no	} div.
Mr. Sherman,	ay	} ay	Spaight,	ay	
Wadsworth,	ay				
<i>New Jersey,</i>					
Mr. Beatty,	ay	} ay			
Dick,	ay				

So the question was lost.

On the question to agree to the amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Gerry,	ay	} ay	Mr. Jefferson,	ay	} ay
Partridge,	ay		Hardy,	ay	
<i>Rhode Island,</i>			Lee,	ay	
Mr. Ellery,	no	} no	Monroe,	ay	
Howell,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Williamson,	ay	} div.
Mr. Sherman,	no	} no	Spaight,	no	
Wadsworth,	no				
<i>New Jersey,</i>					
Mr. Beatty,	no	} no			
Dick,	no				

So the question was lost.

The original motion was then withdrawn.

The Committee consisting of M^r [Jeremiah Townley] Chase [Mr. David Howell and Mr. Roger Sherman] to whom was referred a motion made by M^r [David] Howell respecting western territory, submit the following report,

Whereas Congress by their resolution of the 6th of September, 1780, recommended to the States having claims to the western country, to pass such laws and give their delegates in Congress such powers as effectually to remove the only obstacle to a final ratification of the Articles of Confederation; and whereas in consequence thereof the legislature of the State of Maryland authorized their delegates to ratify the said articles on behalf of that State, at the same time declaring, "that by acceding to the said confederation, "this State doth not relinquish, any right or interest she hath, with "the other United or Confederated States to the back country; but "claims the same as fully as was done by the legislature of this "State in their declaration which stands entered on the journals of this "Congress: this State relying on the justice of the several States "hereafter as to the said claim made by this State." And whereas similar claims have at different times been made by several of the

other States, on the ground that said territory was formerly claimed by the King of Great Britain, who was divested thereof by the joint exertions and common expense of the United States. And whereas the States of New York and Virginia have ceded to the United States part of their claims to the said territory which have been accepted by the United States in Congress, but no act hath been done to quiet or recognize the right of said States to the residue; And whereas an amicable settlement of all disputes respecting the territorial claims aforesaid would promote harmony among the States and strengthen their federal union.

Resolved, That it be earnestly recommended to those States who still claim large tracts of western territory within the limits of the United States, to authorize their delegates in Congress to make liberal cessions out of said claims to the United States, and ~~that the same may be satisfactory to~~ instruct them previously to confer with a committee of Congress in order to agree on what cessions it may be proper for such States to make, and the United States to accept, ~~in order to~~ that so an amicable and final settlement may be made of all disputes on that subject and ~~settlement may be made of all disputes on that subject~~ the said States be entitled to the guaranty contained in the articles of Confederation for securing to them the residue of their claims, That the result of such conference be reported to Congress and to the Legislatures of the said States respectively, for their approbation and final ratification.

To commit: M^r: [Elbridge] Gerry, M^r: [Thomas] Jefferson.¹

TUESDAY, MARCH 16, 1784.

Congress assembled: present as yesterday.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson, Mr. [Roger] Sherman, Mr. [Jacob] Read and Mr. [Hugh] Williamson, to whom were referred a letter of November 1, and one of December 25, from Doct^r Franklin, with sundry papers enclosed, together

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 30, folio 47. The indorsement states that it was read on this day and on March 16, 1784, referred to the grand committee. Committee Books, Nos. 186 and 191, show that the grand committee reported March 22.

On this day, as the indorsement states, was read a letter of March 13 from Henry Remsen, Jr. It is in No. 78, XIX, folio 463.

with a letter of 20 October, and one of 14 November, from Thomas Barclay:

A letter from the Marquis de la Fayette, and sundry letters from Mr. Dumas.

Resolved, That it is inconsistent with the interest of the United States to appoint any person not a citizen thereof, to the office of Minister, chargé des affaires, Consul, vice-consul, or to any other civil department in a foreign country; and that a copy of this resolve be transmitted to Messrs. Adams, Franklin and Jay, ministers of the said states in Europe.

That the said ministers be instructed to inform Mr. William Hodgden, merchant of London, that Congress have a grateful sense of his benevolent and humane attention to the citizens of these United States, who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish Minister, to Dr. Franklin, and of a paragraph of his letter to Congress, on the subject of the capture of the Danish ship *Providentia*, be sent to the supreme executive of Massachusetts, who are requested to order to ~~Doctor Franklin~~ duplicate and authentic copies of the proceedings of their court of admiralty, respecting the said ship and cargo, to be sent to ~~Doctor Franklin~~ Congress.

That a copy of all the letters from Mr. Robert Montgomery, of Alicant, with their enclosures to Congress and the Secretary for foreign Affairs, be transmitted to the said ministers, who are instructed to enquire on what grounds Mr. Montgomery has undertaken to write in the name of the United States, to the Emperor of Morocco, a letter by which their characters and interest may be so materially affected; and to take such measures thereon, as may be proper and consistent with the interest of the said states.

That a copy of a letter from Thomas Barclay, consul of the United States in France, of the 20 of October last, to

Congress, be transmitted to the said ministers, who are instructed to take the necessary measures for obtaining free ports in that kingdom, ~~one at least on the Mediterranean and~~ one or more on the Atlantic, and one on the Mediterranean.

~~That a copy of the paragraph from A to B of the letter of the 25th of December last from Doctor Franklin be transmitted to the supreme executives of the several states, to be communicated to their respective legislatures in order to evince the necessity which congress conceive the United States are under, to rely solely on the own Exertions to protect and secure themselves against the Manœuvres of foreign Courts and to induce the several States to take the most effectual measures for supporting the national credit and character and to strengthen the Bonds of the federal union.¹~~

WEDNESDAY, MARCH 17, 1784.

Congress assembled: Present as yesterday; and from the state of Maryland, Mr. [Jeremiah Townley] Chase.

On motion of Mr. [Roger] Sherman, seconded by Mr. [John] Beatty,

Resolved, That the Superintendant of finance be directed to take order for advancing to the Rev. Daniel Jones, chaplain to Congress, ~~two hundred~~ one hundred and fifty dollars on account.²

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, II, folio 349. General Lafayette's letter is in No. 156, folio 365. It was also entered in the Secret Journal, Foreign Affairs, in Secret Journal, No. 4 (p. 227) and in Secret Journal, No. 6, Vol. III (p. 206).

² This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 36, II, folio 341. The words lined out are so in the report and not in the Journal.

On this or an approximate date was read a letter of March 17 from the Superintendent of Finance. It is in No. 137, Appendix, folio 345.

THURSDAY, MARCH 18, 1784.

Mr. [Jacob] Read and Mr. [Richard] Beresford, delegates for the State of South Carolina, produced a resolution of the legislature of that State, of 11 and 13 February, 1784, empowering the delegates then in Congress "to retain their seats, and continue to represent this State, until a sufficient number of the delegates elected to represent this State, shall arrive and take their seats in Congress."

[State of South Carolina]

IN THE HOUSE OF REPRESENTATIVES *February y^e 11th 1784*

On motion,

Resolved,

That the Delegates who are now in Congress shall retain their seats, and continue to represent this State, until a sufficient number of the Delegates Elected to represent this State shall arrive and take their seats in Congress.

Ordered, That the above Resolution be sent to the Honorable The Senate for their concurrence.

By order of the House

JOHN SANDFORD DART, *C. H. R.*IN THE SENATE *13th February 1784.**Resolved,*

That this House do concur with the House of Representatives in the above Resolution.

Ordered,

That the Resolution be sent to the House of Representatives.

By order of the Senate,

JAMES SHARP, *C. S.*

Extracts from the Journals of the House of Representatives.

JOHN SANDFORD DART, *C. H. R.*¹

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pen-

¹ The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

sylvania, Virginia, North Carolina and South Carolina; and from Maryland, Mr. [Jeremiah Townley] Chase.

On the report of a committee, consisting of Mr. [James] Monroe, Mr. [David] Howell and Mr. [Roger] Sherman, to whom was referred a memorial of Mr. Francis Cazeau,

The Committee to whom was referred the memorial of Francis Cazeau, Merchant of Montreal agree to the following report:

That in 1775, when Congress ordered a detachment of troops into Canada, the Commander in Chief addressed a letter to the inhabitants of the Province of which the following is a paragraph:

“To frustrate therefore these inhuman designs of the enemy I have detached Col^o Aruold with a corps of the army and have enjoined him (and I am confident he will obey my orders) to consider himself in every respect and to act in every instance as if he were in the country of his friends. He will receive with gratitude whatever provision or stores you may provide for him, and pay you in return the full value. I therefore entreat you as friends and brothers to procure for him whatever he may require, and I engage to you upon my faith and honor that you shall receive a full and ample recompense.”

That at this period M^r Cazeau resided in Montreal, was extensively connected in commerce and possessed of a considerable landed estate. That upon the arrival of our troops in Canada, as well as during their subsequent operations, he manifested an earnest desire for their success, gave them his counsel and assistance and contributed all in his power to promote the American cause.

That in Jany: 1776 he sold to the officers of the American army cloth and other articles to the amount of 2,400 dollars, which sum he received in paper money to support the credit of said money, and that from his subsequent confinement, he was deprived of an intercourse with these States, by which means it depreciated and sunk in his possession.

That in March, April and May, 1777, at the desire of Gen^l Arnold, he purchased and manufactured near 12,000 bushels of wheat for the use of our troops, 1,660 gross hund: wt: of which only he sold to the Brititish contractor to prevent a suspicion of his design; that he reserved the remainder for said troops in expectation of their return, in consequence of which, as they failed to do it, the flour middlings and bran spoiled for want of hands to take care of them, that he was

at considerable expence in drawing the wheat from the country to his mills, in storage and commissions to his clerk and that comprehending the whole, his loss in this instance must have amounted to 9,500 dollars.

That he sent off about this time, by engagement with General Arnold, under the care of his Agent M^r Keith, three batteaux loaded with wine of different kinds, spirits and other articles necessary for the troops under his command, with instructions to deliver them to the first American officer ~~a receipt from whom~~ he should find commanding a detachment on Lake Champlain, or the General commanding the army at Ticonderoga, on whatever conditions he should think proper, a receipt from whom should be considered as the performance of his commission; but that upon M^r Keith's arrival at those posts he found them evacuated by the American troops and whilst he waited the orders of M^r Cazeau thereon at the latter, he was attacked by Major Brown who mistook him for a party of the enemy, one of his men killed and the whole of the effects plundered and destroyed; that his loss in this instance, including the first cost of the several articles, the expence of the batteaux, sending them to Ticonderoga and commissions thereon amounted to 4,500 dollars,

That he advanced to different expresses sent at different times to our commanding officer in the northern department with necessary intelligence, the sum of 276 dollars.

That his Agent Robert Keith had the charge of a store at one of his mills the goods of which he sold by order of said Cazeau to the inhabitants to cultivate their regard and attachment to the American interest, at prices much below what they otherwise would have commanded by which he sustained a loss of near £500.

That he had taken other measures to promote the American interest which might probably have been successful, had not the particular situation of these States put it out of their power to avail themselves of those circumstances or to act thereon.

That a conduct so decidedly favorable to America soon became known to the government of Canada and exposed him to its censure and resentment, that he was taken from his family carried to Quebec and there confined two years and four months in close prison, that great part of his landed estate hath been sold, his debts upon specialty bills of exchange notes of hand, and account sequestered, his family treated with disrespect, turned out of their own house to shift for

themselves, and thrown upon the benevolence of a relation for the common necessities of life.

Whereupon the committee have agreed to the following resolutions.

Resolved, That as the depreciation of the paper currency (mentioned in Mr. Cazeau's memorial) did not arise from a voluntary act of Congress, but was an evil forced on us by our exigences, hath been injurious to our own citizens as well as to foreigners, and as no compensation hath been made the former, for the losses they have sustained thereby, the United States in Congress assembled, cannot with justice discriminate between them and any other class or description of men.

Resolved, That whatever stores or provisions Mr. Cazeau purchased and collected, for the use of the American army, by engagement of the officer commanding the detachment, or other person duly authorized by him for that purpose, whether they reached the detachment or not, if so purchased and collected, they were destroyed, and he in that degree injured, the United States are in honor and justice bound strictly to make good the loss he sustained thereby [provided it shall not appear, in the liquidation of his accounts, that the said stores and provisions were to have been at his risque until the delivery thereof].¹

Resolved, That whatever Mr. Cazeau advanced to expresses, to give necessary communications to our generals, should be repaid him.

Resolved, That the sale of his goods to the inhabitants of his province, to promote our interest, upon cheaper terms than he might otherwise have obtained, was an act of benevolence not authorized on our part, and can therefore in justice give him no claim for retribution.

Resolved, That as the above sums were advanced under the faith of government, at the desire of the commanding officer, they

¹ The part in brackets was added in Congress.

should be considered as loaned, and that he is justly entitled to interest thereon, and that, considering every circumstance, it should commence the first day of May, 1777.

[*Resolved*, That an interest of six per cent. per annum, from the first day of May, 1777, be allowed to Mr. Cazeau, on the above advances, and on the amount of the articles so purchased and collected.]

Resolved, That the Superintendent of finance be, and he hereby is directed to advance to Mr. Cazeau, the sum of five thousand dollars on account, and to order his account to be adjusted, and give him certificates for the payment of the balance at such early and convenient times, as the finances of the United States will admit of.

The Committee are of opinion that for the present, Congress can come to no determination with respect to compensation for the losses he hath sustained in his real and personal estate, from the consideration of his services to these States during the late contest, and that a decision upon that head be postponed until Congress can fully investigate and come to some general determination upon the propriety and justice of all claims of a similar nature.

Resolved, That in settling the accounts of Mr. Cazeau, his own testimony, under oath, be admitted in support of such other evidence as the circumstances of the case will admit.¹

FRIDAY, MARCH 19, 1784.

Congress assembled: Present as yesterday.

Mr. [John Francis] Mercer, a delegate for Virginia, attended.

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 19, I, folio 561; the final paragraph, in the writing of Elbridge Gerry, is on folio 559½. A copy of the report, in Charles Thomson's writing, is on folio 555. The paragraph in brackets was not in the original report, but was substituted, during the debate, for the paragraph immediately preceding it. This substitution is indicated on Thomson's copy.

The report of the committee on a letter of 6 November, 1783, from the legislature of New Hampshire, touching the proceedings and sentence of the court of Appeals in cases of capture, on the case of the brig *Lusannah*, as entered on the journal of the 21 January last, being taken up for debate,

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs] Spaight, that the consideration of the report be postponed, in order to take up the following:

“That the petition of John Penhallow, and others, and the papers accompanying the same, be referred to the Judges of the court of Appeals; and that the said judges do report to Congress their proceedings, judgment and final decree in the same.”

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	no	} no	Mr. Chase,	no	} *
Blanchard,	no		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Jefferson,	ay	} ay
Mr. Gerry,	ay	} ay	Hardy,	ay	
Partridge,	ay		Mercer,	no	
<i>Rhode Island,</i>			Lee,	no	
Mr. Ellery,	no	} div.	Monroe,	ay	} ay
Howell,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Williamson,	ay	} ay
Mr. Sherman,	no	} no	Spaight,	ay	
Wadsworth,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	ay	} ay
Mr. Beatty,	ay	} ay	Beresford,	ay	
Dick,	ay				
<i>Pennsylvania,</i>					
Mr. Mifflin,	ay	} div.			
Montgomery,	no				

So the question was lost.

The previous question was then moved on the main question by the State of South Carolina, seconded by the State of Massachusetts; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire,</i>				<i>Maryland,</i>			
Mr. Foster,	no	}	no	Mr. Chase,	ay	}	*
Blanchard,	no			<i>Virginia,</i>			
<i>Massachusetts,</i>				Mr. Jefferson,	no	}	no
Mr. Gerry,	ay	}	ay	Hardy,	ay		
Partridge,	ay						
<i>Rhode Island,</i>				Lee,	no		
Mr. Ellery,	no	}	no	Monroe,	ay		
Howell,	no			<i>North Carolina,</i>			
<i>Connecticut,</i>				Mr. Williamson,	no		
Mr. Sherman,	no	}	no	Spaight,	ay		
Wadsworth,	no			<i>South Carolina,</i>			
<i>New Jersey,</i>				Mr. Read,	ay		
Mr. Beatty,	no	}	div.	Beresford,	ay		
Dick,	ay			<i>Pennsylvania,</i>			
<i>Pennsylvania,</i>				Mr. Mifflin,	no	}	no
Mr. Mifflin,	no			Montgomery,	no		

So the question was lost.

When the question was about to be put on the resolution reported by the committee, the determination thereof was postponed by the State of North Carolina.

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom were referred the fourth and fifth of the instructions of the 15 of October, 1783, to the commissioners for negotiating with the Indians,

Resolved, That the said fourth and fifth articles of the instructions of the 15 of October, 1783, to the commissioners for negotiating with the Indians be and they are hereby repealed, and in lieu thereof the following be substituted:

4thly. That a meridian line passing through the lowest point of the rapids of Ohio to the northern boundary of these United States

~~comprehending all the lands between the said boundary on the north, the Ohio on the south, the said meridian on the west and Pennsylvania on the east, or so much thereof as the nation having title thereto may be induced to yield shall be ceded to the United States shall be agreed on as the dividing~~

shall be proposed as the line of division between the several Indian tribes and these states, so that all the lands comprehended between the said boundary on the north, the Ohio on the south, the said meridian on the west and Pennsylvania on the east or so much thereof as the tribes having title thereto may be induced to part with shall be ceded to the United States and at such times as may be agreed upon in the treaty possession thereof or of any part thereof be given to the United States.

~~5^{thly.} The interests and happiness of the Indians as well as of the inhabitants of the United States requiring that every circumstance should be avoided which may lead to hostile dispositions between them, and the meeting of several nations in one council having a tendency to generate combinations for the purposes of war.~~

5thly. The said commissioners are instructed as far as they shall be in their power find it convenient to treat with every ~~tribe~~ the several nations at different times and places and where necessity shall oblige them to bring two or more ~~tribes~~ nations together that they still keep their treaties and conferences as distinct as may be. ~~That they make known to the Shawanese and Delawares that these United States consider them as independent nations, and will protect them as such~~ That they countenance every disposition in any one of the six nations to treat and act separately and independently ~~of this Confederacy~~; and that in general they discourage every coalition and consultation which might

tend to involve any one ~~tribe in contests which any one of them may enter into with these United States~~ nation in the wars of the others.¹

On motion of Mr. [Roger] Sherman, seconded by Mr. [Elbridge] Gerry,

Resolved, That the commissioners appointed to ~~treat~~ negotiate with the Indians, shall each be allowed six and an half dollars per day, for the time they shall be employed in that business, in full for their services and expences, exclusive of their expences at the place or places where the treaties shall be held.²

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Arthur] Lee, to whom was referred an additional report on Indian affairs,

Resolved, That the Superintendant of finance cause to be purchased a quantity of goods, to be ~~disposed of to the Indians at the opening of the proposed treaty with them~~: applied in negotiating the treaty with the Indians, the amount not to exceed the sum of fifteen thousand dollars, including those on hand, according to an estimate, specifying kinds, quantities and qualities, to be furnished by the commissioners for negotiating the treaty.

Resolved, That a ~~suitable person, with the allowance of~~
~~_____ be appointed by Congress~~ the commissioners be, and they hereby are authorised and instructed, to appoint one or more suitable person or persons, with such allowance as they may think reasonable, to receive the aforesaid goods, to take charge of their transportation, to such place or places

¹ This resolution was also entered in the manuscript Secret (Domestic) Journal. The report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 30, folio 213. The words lined out are so in the report and not in the Journals.

² This motiou, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 30, folio 215.

as may be pointed out by the said commissioners, and to attend to the safe keeping and issuing, agreeably to such orders as he or they may receive from the said commissioners, all goods committed to his or their care, which orders are to be produced as vouchers on the settlement of the accounts. [And that the Superintendent of finance furnish, to the Order of the said commissioners, the sums of money necessary for carrying this resolve into execution.]

Resolved, That the said commissioners be, and they hereby are authorised and directed, to make and transmit to Congress, from time to time, estimates of such additional quantities of goods, as may be found necessary in the course of their negotiations, in order that proper measures may be taken for procuring and forwarding the same.

~~*Resolved*, That the Superintendent of Finance be directed to furnish the sums of money necessary for carrying into execution the preceding resolutions.~~

~~*Resolved*, That the Superintendent of Finance be directed to issue a warrant in favor of the said Commissioners on the Treasury, for a sum not exceeding ——— Dollars, to be applied for the purchase and transportation of the said goods, agreeable to the second resolve.~~

~~That the Superintendent of Finance be directed to issue a warrant in favor of the said Commissioners on the Treasury, for a sum not exceeding ——— Dollars, for the purposes mentioned in the preceding resolve).¹~~

MONDAY, MARCH 22, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Virginia and North Carolina; and from the state of Pennsylvania, Mr.

¹ This report, in the writing of David Howell, except the part in parenthesis, which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 30, folio 209. The part in brackets was brought into the adopted resolution from the first rejected resolution.

On this day, as the indorsement indicates, was read an address and memorial of James Span. It is in No. 41, XX, folio 273.

[Thomas] Mifflin; from Maryland, Mr. [Jeremiah Townley] Chase, and from South Carolina, Mr. [Richard] Beresford.

On motion of Mr. [Abiel] Foster, seconded by Mr. [Jonathan] Blanchard,

Resolved, That the determination of the question on the resolution of the committee on the letter of 6 November, 1783, from the legislature of New Hampshire, touching the proceedings and sentence of the court of Appeals in cases of capture, on the case of the brig *Lusannah*, be postponed till to-morrow.

TUESDAY, MARCH 23, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Virginia, North Carolina and South Carolina; and from the State of Pennsylvania, Mr. [Thomas] Mifflin; and from Maryland, Mr. [Jeremiah Townley] Chase.

On motion of Mr. [Abiel] Foster, seconded by Mr. [Jonathan] Blanchard,

Resolved, That the determination of the question on the resolution of the committee on the letter of 6 November, 1783, from the legislature of New Hampshire, touching the proceedings and sentence of the court of appeals in cases of capture, on the case of the brig *Lusannah*, be further postponed till to-morrow.

On the report of the committee of qualifications, consisting of Mr. [Roger] Sherman, Mr. [Thomas] Jefferson, Mr. [John] Beatty, Mr. [Jeremiah Townley] Chase and Mr. [Hugh] Williamson:

Whereas by the fifth of the Articles of Confederation and perpetual union of the United States, it is agreed, "that for the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct,

to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year,"

~~And whereas from a different mode of appointment in some instances inconveniences have arisen~~

Resolved, That the several states be requested annually to appoint their delegates to serve in Congress for one year, to commence on the first Monday in November next ensuing the time of their appointment: and when vacancies shall happen by the removal or resignation of any of the said delegates within the year, such states be requested to appoint others in their stead, to serve only for the remainder of the year; and ~~to certify the time for which~~ to furnish their delegates ~~are~~ so appointed ~~in their~~ with commissions, or other credentials, under the seal of the State, particularly specifying the time for which they are appointed.¹

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 23, folio 383; a printed copy is on folio 469. The following, in the writing of Elbridge Gerry, is on folio 387:

[Report of the Committee of Qualifications, March, 1784.]

Whereas by the following paragraphs in the 5th Article of the Confederation, viz. "Delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the 1st Monday in November in every year, with a power to recall its Delegates or any of them at any time within the year, and to send others in their stead, for the remainder of the year"; and by another paragraph of the same Article viz. "No person shall be capable of being a Delegate for more than three years in any term of six years," Congress conceive it is clearly provided, ~~as well by the letter as by the spirit of the Confederation~~, that the Delegates of each State should be *annually* so appointed as to have a right to a seat in Congress under such appointment, from the first Monday of November of the year for which they may be appointed to the first Monday of November of the next ensuing year, unless in cases of the vacancy of a seat, which should produce a new appointment for the residue only of the federal year, being till the first Monday of November then next ensuing.

And whereas the annual appointment of Members to take their seats at different periods will in the opinion of Congress be not only ~~only repugnant~~ less conformable to the letter and spirit of the Confederation upon the ~~support~~

The committee of qualifications having farther reported, that Mr. [Samuel] Osgood was, on the 14 February, 1781, by the legislature of the State of Massachusetts, appointed a delegate for that State to Congress, from that time until the first Monday in November then next, in consequence thereof he took his seat in Congress, on the 12 day of June, 1781; that on the 25 of the said June, he was again appointed to the said office for one year, commencing the first Monday in November then next, and on the 7 of June, 1782, he was again elected for one year, to commence the first Monday of November then next, and on the 9 day of July, 1783, he was again elected for one year, to commence the first Monday in November, 1783; that he accepted the said trust under each of said appointments; that on the first day of March, 1781, the Articles of Confederation were finally ratified; whereupon, the committee are of opinion, that by the 5 Article of the Confederation, the said Mr. Osgood became incapable of being a delegate in Congress ~~until the~~ after the first ~~Monday~~ day of ~~November~~ March, 1784, he having been a delegate three years expiring on that day, since the final ratification of the said Articles.¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to postpone the consideration of the

~~whereof the liberty and~~ strictest adherence to which the peace, liberty and safety of the United States may in a great measure depend; but be also productive of great ~~disorder and~~ confusion in computing the time, wherein Members may have a right to a seat in Congress, and by making many or all the Members of one federal year, capable under the same appointment of holding their seats in the Congress of the next ensuing year will in a great measure destroy the good effects, which may otherwise result from a rotation of the office and from preserving entire the distinction between the Congress of each federal year.

Therefore Resolved, That the Legislatures of the several States be informed of the opinion of Congress aforesaid and requested to make their appointments conformably thereto.

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 23, folio 385.

opinion reported by the committee, in order to take into consideration the following:

After the statement of facts as made by the committee, and adding, "but the members then in Congress, being appointed previous to and not under the Articles of the Confederation, and nothing appearing in the Credentials of those members to authorise them to sit in two Congresses differently constituted, and it being also reasonable to conclude that the first federal year commenced the first Monday of November, 1781: *Resolved*, That Mr. [Samuel] Osgood is capable of being a delegate till the first Monday of November, 1784."¹

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	no	} *
Blanchard,	ay		<i>Maryland,</i>		
<i>Massachusetts,</i>			Mr. Chase,	no	} *
Mr. Gerry,	ay	} ay	<i>Virginia,</i>		
Partridge,	ay		Mr. Jefferson,	no	} no
<i>Rhode Island,</i>			Hardy,	no	
Mr. Ellery,	ay	} div.	Mercer,	no	
Howell,	no		Lee,	ay	
<i>Connecticut,</i>			Monroe,	no	
Mr. Sherman,	ay	} div.	<i>North Carolina,</i>		
Wadsworth,	no		Mr. Williamson,	no	} no
<i>New Jersey,</i>			Spaight,	no	
Mr. Beatty,	ay	} div.	<i>South Carolina,</i>		
Dick,	no		Mr. Read,	no	} no
			Beresford,	no	

So the question was lost.

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, II, folio 354.

On the question to agree to the report of the committee, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} *
Blanchard,	no		<i>Maryland,</i>		
<i>Massachusetts,</i>			Mr. Chase,	ay	} *
Mr. Gerry,	no	} no	<i>Virginia,</i>		
Partridge,	no			Mr. Jefferson,	ay
<i>Rhode Island,</i>			Hardy,	ay	
Mr. Ellery,	no	} div.	Mercer,	ay	
Howell,	ay			Lee,	no
<i>Connecticut,</i>			Monroe,	ay	
Mr. Sherman,	ay	} ay	<i>North Carolina,</i>		
Wadsworth,	ay			Mr. Williamson,	ay
<i>New Jersey,</i>			Spaight,	ay	
Mr. Beatty,	no	} div.	<i>South Carolina,</i>		
Dick,	ay			Mr. Read,	ay
			Beresford,	ay	

So the question was lost.

Whereas it is provided in the 5th art. of the Confederation that "delegates shall be annually appointed, in such manner as the Legislatures of each state shall direct, to meet in Congress on the 1st Monday in November in every year"

Resolved, That it be recommended to the several states to conform their future appointment of delegates to the said article.¹

On the report of a committee, consisting of Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee, to whom was referred a letter of September 20th, 1783, from the Superintendant of finance, with sundry papers enclosed:

Your Committee find that on the 11th July, 1780, Congress resolved, "That the pay of the Officers and Men in the Navy of these United States, as fixed by the Act of Congress of July 25th, 1777, and

¹ This motion, in the writing of David Howell, undated, is in the *Papers of the Continental Congress*, No. 23, folio 245. A note on the motion indicates that it was seconded by William Ellery and a motion made to postpone, on which Howell demanded the yeas and nays, which, probably, was carried.

the subsistence Money of Officers of the Navy as regulated by the Act of Congress of July 25th, 1777, be considered and paid in specie or other money equivalent," and "that forty Continental dollars or one dollar of the bills which shall be issued by the respective States, in pursuance of the Act of Congress of the 18th March last, be considered as equivalent to a dollar in specie."

Your Committee also find that on the 12th of June, 1781, Congress Resolved, "That the balances now due to the officers, seamen, landsmen and marines, in the Sea Service, and the sums that shall hereafter become due to them, either for wages, subsistence, or bounty, shall be paid in specie or other money equivalent according to the current rate of exchange at the time of payment."

Resolved, That the commissioner for settling the marine accounts, govern himself by the resolutions of the 11 July, 1780, and the 12 of June, 1781, in settling the pay of the officers and men of the navy, and the depreciation thereon.¹

On the report of a committee, consisting of Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee, to whom was referred a letter of 13 January, 1784, from the Superintendent of finance, on the memorial of James Taylor:

Your Committee cannot find that any mode hath been adopted for settling the accounts of the secret and commercial committees of Congress other than the general resolution of Feby: 27, 1783, which directs that all accounts, for the settlement of which no special provision has been made, shall be settled at the Treasury in the usual manner—and therefore recommend the following resolution—

Resolved, That the comptroller of accounts be, and he hereby is Authorised and directed, to cause a settlement to be made of the accounts between the United States and the secret and commercial committees of Congress, and all others existing under contracts made with the said commit-

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No 19, IV, folio 425.

tees, according to the usual mode of settling accounts at the treasury, and to report such settlement to Congress.¹

[Report of M^r Arthur Lee, M^r Hugh Williamson and M^r William Ellery, on motion of M^r Hugh Williamson with sundry papers relative to the detention of the *Nancy*]

The Committee to whom a motion relative to the Schooner *Nancy*, Captain Gladden, of N. Carolina was referred recommend the following resolution.

Resolved, That the papers relating to the detention of the schooner *Nancy*, Capt. Gladden belonging to Citizens of these United States residing in North Carolina be transmitted to our ministers for negotiating ~~with the court of Great Britain~~ treaties with foreign Courts, and that they be instructed to make inquiry into the cause of the seizure and detention of the said Schooner and her Cargo, and if it shall appear that she has been unjustly detained to demand the release of the vessel and the restoration of her Cargo, with adequate damages for her detention.²

The Committee of the week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report on the application of Francis Galvan Decbernou for lands in right of William Galvan cannot be now granted and that the petition remain on the files of Congress.³

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, I, folio 605.

² This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 28, folio 177^a. The indorsement states that it was delivered this day and read, and that it was passed May — 1784. The motion, by Hugh Williamson seconded by Arthur Lee, in the writing of Williamson, is on folio 177, as follows:

That the ministers who are appointed to negotiate treaties with foreign Courts be instructed to apply to the British Court for payment for the Schooner *Naney* commanded by Captain Gladden of N. Carolina together with her cargo, Said vessel having been illegally detained since the cessation of hostilities in Castle Haven in Ireland and lost to her owners.

³ This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 42, III, folio 267. De Bernoux's petition is on folio 264. It was read, the indorsement states, May 10, 1784.

[Motion of Mr. David Howell, seconded by Mr. Arthur Lee]

Rs that a Committee be appointed to consider of the measures proper to be adopted in order to take possession of and garrison the forts of the frontier posts.¹

That a suff^{nt} number of the Troops now in Service be ordered to take possession of the Western Posts, the United States paying the extra pay, now paid those Troops by the States by whom they were rais'd.

That Requisitions be made agreeably to the Articles of Confederation on the Respective States for raising Troops to supply the place of those to be now ordered on Service.²

The Committee of the week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report that the petition and memorial of Jno. Halsted late Deputy Commissary General in Canada ought to be read in Congress.³

WEDNESDAY, MARCH 24, 1784.

Congress assembled: Present as yesterday.

On motion of Mr. [Abiel] Foster, seconded by Mr. [Jonathan] Blanchard,

Resolved, That the determination of the question on the resolution of the committee, on the letter of the 6 November, 1783, from the legislature of New Hampshire, touching the proceedings and sentence of the court of appeals in cases of capture, on the case of the brig *Lusannah*, be postponed.

¹ This motion in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 38, folio 405. It is undated but Committee Book No. 186 states that it was made this day and referred to Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [David] Howell, who reported April 6.

² This motion, undated, is on folio 405a. It belongs to this or an approximate date.

³ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 42, III, folio 466. Halsted's petition is on folio 463. The indorsement states that it was read March 31, 1784, and referred to Mr. [Roger] Sherman, Mr. [John] Beatty and Mr. [Samuel] Dick.

On this or an approximate date was read a letter of 22 March, 1784, from Richard Bache. It is in No. 61, folio 57.

Also, on this date, as the indorsement shows, a letter of 19 March from Major W. North was referred to Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson. It is in No. 164, folio 234.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [Arthur] Lee, to whom was referred a letter of 1 November, 1783, from the Secretary at War, concerning certain dragoons who deserted from South Carolina, bringing off some of the best horses in the regiment, and their accoutrements:

Resolved, That in consideration of the former ~~services~~ conduct of the dragoons belonging to Colonel Bailor's regiment, who deserted on May last, from South Carolina, and that, during the time of active and dangerous service, they had faithfully discharged their duty, their accounts shall be settled as those of other ~~soldiers~~ dragoons, except that they shall be charged with the horses they brought off, at the price the best remaining horse belonging to the same corps sold for in South Carolina, and for their accoutrements, at what the officer settling those accounts may find to have been their average value.¹

Congress took into consideration the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry, Mr. [James] Tilton, Mr. [Thomas] Jefferson, and Mr. [James] McHenry, appointed to consider what reductions may be made in the civil list, and the following paragraph being under debate:

"That the office of chargé des affaires, at the Court of Madrid, whose salary is 4444 dollars, be discontinued."

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [John Francis] Mercer, that the consideration thereof be postponed: and on the question for postponing, the yeas and nays being required by Mr. [James] Wadsworth,

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 27, folio 259. The words lined out are so in the report and not in the Journal.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} div.	Mr. Mifflin,	ay	} *
Blanchard,	no		<i>Virginia,</i>		
<i>Massachusetts,</i>			Mr. Hardy,	ay	} ay
Mr. Gerry,	no	} no	Mercer,	ay	
Partridge,	no		Lee,	no	
<i>Rhode Island,</i>			Monroe,	ay	} div.
Mr. Ellery,	no	} no	<i>North Carolina,</i>		
Howell,	no		Mr. Williamson,	no	
<i>Connecticut,</i>			Spaight,	ay	} div.
Mr. Sherman,	ay	} div.	<i>South Carolina,</i>		
Wadsworth,	no		Mr. Read,	ay	} div
<i>New Jersey,</i>			Beresford,	no	
Mr. Beatty,	no	} no			
Dick,	no				

So the question was lost.

Davison of Salem having arrived last evening in this city with a view of giving Congress information respecting the forgers or counterfeiters of final settlement certificates,

Ordered, That a Committee be appointed to examine the said Davison on oath touching the same and if they find his information well grounded to devise the steps necessary to be taken for apprehending securing and bringing to condign punishment the authors and abettors of this fraudulent practice and putting a stop to its further progress.

Said Davison may be found on board the Providence Packet, *Lady Washington* ——— Allen master which arrived here yesterday afternoon.¹

THURSDAY, MARCH 25, 1784.

Mr. Ephraim Paine, a delegate for the State of New York, attended, and produced credentials under the seal of the State, by which it appears, that on the third day of February,

¹ This order, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 167, folio 175. The indorsement states that it was referred this day to Mr. [Rufus] King, Mr. J[ohn] Henry and Mr. [David] Howell.

1784, the honorable Alexander McDougall, Charles De Witt, John Lansing, jun., Ephraim Paine and Walter Livingston, were, by the Senate and Assembly of the said State, nominated and appointed delegates to represent said State in the United States in Congress assembled for the ensuing year.

THE PEOPLE of the State of NEW-YORK, By the Grace of God, Free and Independent: TO ALL to whom these Presents shall come, send GREETING: KNOW YE, that WE, having inspected the Records remaining in the Secretary's Office of Our said STATE, do find there a certain Commission in the Words following, to wit, "The People of the State "of New-York, by the Grace of God, Free and Independent, to all "to whom these Presents shall come, send Greeting: Whereas our "Senate and Assembly have, on the third Day of February instant, "Nominated and Appointed, the Honorable Alexander McDougall, "Charles DeWitt, John Lansing Junior, Ephraim Paine and Walter "Livingston Esquires, Delegates to represent our said State in the "United States of America in Congress assembled for the ensuing "Year: Now therefore know ye, that in Pursuance of the said Nomination and Appointment, we have, by these Presents, commissioned "the said Alexander McDougall, Charles DeWitt, John Lansing "Junior, Ephraim Paine, and Walter Livingston with full Power and "Authority to them the said Alexander McDougall, Charles DeWitt, "John Lansing Junior, Ephraim Paine and Walter Livingston to "represent our said State in the said Congress accordingly. In "Testimony whereof, we have caused these our Letters to be made "Patent, and the Great Seal of our said State to be hereunto affixed. "Witness our trusty and well-beloved George Clinton Esquire, "Governor of our said State, General and Commander in Chief of "all the Militia, and Admiral of the navy of the same, at our City "of New York in the Year of our Lord, One Thousand Seven Hundred and eighty four, and of our Independence the eighth" ALL WHICH we have caused to be exemplified by these Presents. IN TESTIMONY whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said State to be hereunto affixed. WITNESS our Trusty and Well-beloved George Clinton Esquire, Governor of our said State, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same, at our City of New-York the

said third Day of February in the Year of our LORD, One Thousand seven Hundred and Eighty four and of our INDEPENDENCE, the Eighth.

GEO: CLINTON

with the Great Seal appendant.

Passed the Secretary's Office
the 4th Feb^r 1784.

ROBT. HARPUR *D. Secr^{ty}*¹

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina and South Carolina; and from the State of New York, Mr. [Ephraim] Paine, and from Maryland, Mr. [Jeremiah Townley] Chase.

On motion of Mr. [Jonathan] Blanchard, seconded by Mr. [Roger] Sherman,

Resolved, That ~~the report of the~~ Tuesday next be assigned for a further consideration of the report of the committee, on the letter of the 6 November, 1783, from the legislature of New ~~York~~ Hampshire, touching the proceedings and sentence of the court of appeals in cases of capture, on the case of the brig *Lusanna*.

The Committee consisting of M^r [Roger] Sherman, M^r [David] Howell, and M^r [Richard Dobbs] Spaight to whom was referred M^r Arthur Lee's letter of the 10th of March, 1784, requesting a compensation for his services and expenses as corresponding agent in London &c. beg leave to report,

That M^r Lee being Agent for one or more of the colonies at the court of Great Britain, the Congress held in the year 1774 employed him with the other colony agents to transact their affairs in England, and to transmit intelligence of the conduct and designs of the british Ministry and Parliament; That about November 1775 he was by a committee of Congress for foreign correspondence appointed a corresponding agent in London, that he faithfully executed that trust

¹ This commission was entered in the *Papers of the Continental Congress*, No. 179, *Record of Credentials*, and not in the Journal. There are two of the original commissions in the *New York Credentials of Delegates*; one issued to Ephraim Paine and read March 25, 1784, as shown by the indorsement, the other to "Col. DeWitt," read March 27, 1784.

and from time to time, both before and after that appointment, gave early and authentic accounts of the designs and plans of the British administration against these States, at considerable risque of his personal safety, and rendered them other essential services, well known to those who were then of the secret Committee in Congress. That he continued in that office until he was appointed by Congress, one of the Ministers of the United States to the Court of France in ~~December~~ Oct. 1776. That the said Committee engaged to make him compensation for his services and expenses, and advanced to him two hundred pounds sterling on that account.

That he has exhibited an account of extra expenses amounting to-----£145.0.0 Sterling Which the Committee are of opinion should be allowed. And that he be allowed for his services and ordinary expenses the sum of ----- And that deducting the sum paid by the Committee there remains due to M^r Lee the sum of £.----- Sterling.

Whereupon the Committee submit the following resolution,

Resolved, That the Honorable Arthur Lee Esq^r be allowed the sum of _____ dollars in addition to the sum of two hundred pounds sterling, which he received of the Committee for foreign correspondence in full compensation for his services and expenses as corresponding agent for the United States in London previous to his being appointed their Commissioner to the Court of France in October 1776.¹

The Committee, consisting of Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson, appointed to consider and report what is the present State of the department of Inspector General to the Troops of the U. S. beg leave to report the State of the department herewith presented under the hand of the Inspector General.²

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 517. The indorsement shows that it was read on this day and on February 25 [1785] was recommitted to Mr. [David] Howell, Mr. [Richard Dobbs] Spaight and Mr. R[obert] R. Livingston. Lee's letter is in No. 78, XIV, folio 567.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, V, folio 529. According to the indorsement and the record in Committee Books 186 and 191, this Committee was appointed March 22, and delivered on this day their report, which was filed.

FRIDAY, MARCH 26, 1784.

Mr. Thomas Stone, a delegate for the State of Maryland, attended, and took his seat.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from New York, Mr. [Ephraim] Paine.¹

Congress took into consideration the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson, to whom were referred sundry letters from the ministers of the United States in Europe. And sundry instructions to the ministers relative to the formation of commercial treaties with sundry European nations being under debate, and the third article or instruction being amended to read as follows:

“That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution”—

A motion was made by Mr. [William] Ellery, seconded by Mr. [David] Howell, to strike out that instruction; and on the question, Shall it stand, the yeas and nays being required by Mr. [Jacob] Read—

<i>New Hampshire,</i>				<i>Rhode Island,</i>			
Mr. Foster,	ay.	} ay.		Mr. Ellery,	no.	} no.	
Blanchard,	ay.			Howell,	no.		
<i>Massachusetts,</i>				<i>Connecticut,</i>			
Mr. Gerry,	ay.	} ay.		Mr. Sherman,	no.	} no.	
Partridge,	ay.			Wadsworth,	no.		

¹ From this point the proceedings for the day were entered only in the Secret Journal, Foreign Affairs, No. 5, in Secret Journal, No. 4, and in Secret Journal, No. 6. Vol. III.

<i>New York,</i>		} ×	<i>Virginia,</i>		}
Mr. Paine,	ay.		Mr. Jefferson,	ay.	
<i>New Jersey,</i>		} ay.	Hardy,	ay.	} ay.
Mr. Beatty,	ay.		Mercer,	ay.	
	Dick,		Lee,	no.	
<i>Pennsylvania,</i>		} ay.	Monroe,	ay.	}
Mr. Mifflin,	ay.		<i>North Carolina,</i>		
	Montgomery,		Mr. Williamson,	ay.	}
<i>Maryland,</i>		} ay.	Spaight,	ay.	
Mr. Stone,	ay.		<i>South Carolina,</i>		} ay.
	Chase,		Mr. Read,	ay.	
			Beresford,	ay.	

So it was resolved in the affirmative.¹

SATURDAY, MARCH 27, 1784.

Mr. Charles De Witt, a delegate for the State of New York;² and Mr. James McHenry, a delegate for Maryland, and Mr. [Edward] Hand, a delegate for Pennsylvania, attended.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

[Report of M^r Arthur Lee, M^r William Ellery, M^r Hugh Williamson, on letter 5 March 1784, Gen^l Armand for a passage on board the Washington]

The Committee to whom a letter from the Marquis de la Rouerie of the 26th March, requesting a passage for himself and other officers to France, in the *Washington* frigate, was referred, recommend

¹ On this day, as the indorsement states, was read a letter of 8 March, 1784, from William Livingston, Governor of New Jersey. It is in the *Papers of the Continental Congress*, No. 68, folio 621.

Also, a letter of March 8 from the Superintendent of Finance. It is in No. 137, appendix, folio 337.

² For De Witt's credentials, see *ante* March 25, *note*.

That as the destination of the *Washington* frigate is uncertain, the said letter lie on the table.¹

[Motion of M^r William Ellery, seconded by M^r Roger Sherman, March 29th 1784, Referred to M^r Hugh Williamson, M^r Jacob Read, M^r Arthur Lee.]

That in compliance with the repeated applications of D^r Franklin for a dismissal from his public employment, and that he may enjoy that repose in old age which a long series of years spent in the service of his country entitles him to expect, he be permitted to retire from public service.²

The Committee consisting of M^r [William] Ellery, M^r [Charles] Morris, and M^r [Samuel] Osgood, to whom the report of the Superintendent of Finance with the survey of the frigate *Alliance* was committed report,

That the honour of the flag of the United States and the protection of its trade and coasts from the insults of pirates require that the frigate of *Alliance* should be repaired.

Therefore, Resolved, That the agent of Marine take order for repairing the frigate *Alliance*, as soon as the season will admit.³

The Committee of the Week, [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report, On a letter directed to the President of Congress dated Phil^a March 14th, 1784, signed David Jones. Giving some account of the Indians and the Western Territory, of his willingness to go to those nations on a message and of his being out of all business as a clergyman, that the said letter remain on the files of Congress.⁴

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, I, folio 101. The indorsement states that it was read on this day. Armand's letter is in No. 164, folio 509.

² This motion in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, II, folio 355. See *post*, May 12, 1784.

³ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 28, folio 221. The indorsement states that it was read on January 15, 1784, and referred on this day to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read. See *ante*, December 26, 1783, and *post*, April 8, 1784.

⁴ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 541. The indorsement states that it was presented in March —, 1784.

The Com^{tee} of the Week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report on the application of Mr. Jacob Weise for an extra allowance as Deputy Quartermaster General that the letter from Mr. Weise be read in Congress.¹

TUESDAY, MARCH 30, 1784. .

Congress assembled: Present as before.

The president being absent, Congress proceeded to the election of a chairman; and the ballots being taken, Mr. Thomas Jefferson was elected.

The grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jonathan] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to whom was referred a letter of 19 March, 1784, from the Superintendent of finance, with sundry papers enclosed, and who were instructed to revise the institution of the treasury department, and report such alterations as they may think necessary, reported the draft of a circular letter to the supreme executive of the several states, which was agreed to, as follows:

(Circular)

SIR,

The Subject of this address claims the attention of your Excellency on the principle of the most urgent necessity.

¹ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 301. Weise's letter, dated March 3, 1784, is on folio 298. It was read, the indorsement states, April 1, 1784, and referred to Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [David] Howell. See *post*, April 15, 1784.

On this day, as the indorsement states, was read a letter of 18 March, 1784, from Brigadier General Moses Hazen. It is in No. 78, XII, folio 295.

Also, a letter of 13 March from the Superintendent of Finance. It was referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read. It is in No. 137, III, folio 475.

Also, a letter of 19 March from the Superintendent of Finance. It was referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read. It is on folio 483. Committee Book, No. 186, says the Committee reported March 30.

The state of our finances is such as to require the united efforts of Congress and of the several states for obtaining immediately a supply of money to prevent the loss of public credit.

When the army were furloughed they had the promise of three months' pay and as there was not money in the treasury, the Superintendant of finance was under the necessity of issuing his notes to discharge this and other demands. The notes becoming due, part of them were redeemed with money supplied by the several states; but this being inadequate, the financier drew bills on Holland for the deficiency. A considerable proportion of these drafts have been paid by loans obtained there on the credit of the United States: But the letters from our bankers to the Superintendant of finance inform that they had been under the necessity for the want of funds to suffer so many of his bills to be protested for non-acceptance as with the damages on protest in case of non-payment will amount to the sum of 636,000 dollars.

We expect the return of these bills under a protest for non-payment, and should there not be money in the treasury of the United States to discharge them, your excellency may easily conceive the deplorable consequences.

Under such circumstances Congress think it their duty to communicate the matter confidentially to the Supreme executive of each State and to request in the most pressing terms their influence and exertion to furnish with all possible dispatch on requisitions unsatisfied their respective quotas of the sum mentioned according to the apportionment herewith transmitted.

I shall only add, Sir, that Congress rely on your wisdom for accomplishing their views with as much dispatch as possible, and that the estimates and requisitions for the year will be soon transmitted to your excellency.

I am, &c.

(to be signed by the President)

The apportionment of the 636,000. dollars is as follows:

Newhampshire	22, 348	Delaware-----	9, 516
Massachusetts.. . . .	95, 157	Maryland-----	60, 003
Rhode Island...	13, 703	Virginia-----	108, 750
Connecticut....	56, 007	North Carolina..	46, 218
New York.....	54, 375	South Carolina..	40, 782
New Jersey.....	35, 344	Georgia-----	6, 797
Pennsylvania....	87, 000		----- 636,000 ¹

¹ The circular to the states, and the apportionment were also entered in the manuscript Secret (Domestic) Journal.

According to the order of the day, Congress resumed the consideration of the report of the committee on the letter of the 6 November, 1783, from the legislature of New Hampshire, as entered on the journal of the 21 of January last, touching the proceedings and sentence of the court of appeals in cases of capture, on the case of the brig *Lusannah*.

And a motion was made by Mr. [Jacob] Read, seconded by Mr. [Samuel] Hardy, to postpone the consideration of the report of the committee, in order to take into consideration the following motion:

Whereas by the ninth of the Articles of Confederation and perpetual Union, the United States in Congress assembled are vested with the right of establishing courts "for receiving and determining finally, appeals in all cases of captures;" and the United States in Congress assembled, having, on the day of in pursuance of such authority, accordingly appointed such court of appeals, and commissioned proper persons as judges in the same:

Resolved, That it is improper for the United States in Congress assembled, in any way to reverse or controul the decisions, judgments or decrees of such court of appeals:

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire</i> ,			<i>New York</i> ,		
Mr. Foster,	no	} no	Mr. De Witt,	ay	} div.
Blanchard,	no		Paine,	no	
<i>Massachusetts</i> ,			<i>New Jersey</i> ,		
Mr. Gerry,	no	} div.	Mr. Beatty,	no	} no
Partridge,	ay		Dick,	no	
<i>Rhode Island</i> ,			<i>Pennsylvania</i> ,		
Mr. Ellery,	no	} no	Mr. Montgomery,	no	} no
Howell,	no		Hand,	no	
<i>Connecticut</i> ,			<i>Maryland</i> ,		
Mr. Sherman,	no	} no	Mr. McHenry,	no	} ay
Wadsworth,	no		Stone,	ay	
			Chase,	ay	

<i>Virginia,</i>			<i>North Carolina,</i>		
Mr. Jefferson,	no	} div.	Mr. Williamson,	no	} no
Hardy,	ay		Spaight,	no	
Mercer,	no		<i>South Carolina,</i>		} *
Monroe,	ay		Mr. Read,	ay	

So the question was lost.

On the question to agree to the resolution reported by the committee, namely,

“That the said capture having been made by citizens of New Hampshire, carried into and submitted to the jurisdiction of that State, before the completion of the Confederation; while appeals to Congress in such cases were absolutely refused by their legislature, neither Congress nor any persons deriving authority from them, had jurisdiction in the said case.”

The yeas and nays being required by Mr. [Abiel] Foster,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Montgomery,	ay	} ay
Blanchard,	ay		Hand,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	no	} no	Mr. McHenry,	no	} no
Partridge,	no		Stone,	no	
<i>Rhode Island,</i>			Chase,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} div.
Howell,	ay		Mr. Jefferson,	ay	
<i>Connecticut,</i>			Hardy,	no	
Mr. Sherman,	ay	} ay	Mercer,	ay	
Wadsworth,	ay		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	no	} div.	Mr. Williamson,	ay	} ay
Paine,	ay		Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		} *
Mr. Beatty,	ay	} ay	Mr. Read,	no	
Dick,	ay				

So the question was lost.

WEDNESDAY, MARCH 31, 1784.

Congress assembled: Present, eleven states.

The committee of the week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] are of opinion that the memorial of Lieutenant Colonel Henry B. Livingston, stating that he was deranged in the line of the army, while abroad with Mr. Jay by the resolutions of Congress of the 31st December, 1781, and praying that his rank, pay and emoluments, as a Lieutenant Colonel may be restored him ought to be referred to a special committee read in Congress.¹

THURSDAY, APRIL 1, 1784.

Congress assembled: Present, eleven states as before.

Congress resumed the consideration of the report of the committee so far as relates to the formation of commercial treaties with sundry European nations; and the following paragraph being under debate, viz.

“That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce and merchandise of the other, paying in both cases such duties only as are paid by the most favoured nation, freely where it is freely granted to such nation, and paying the compensation where such nation does the same”—

A motion was made by Mr. [James] McHenry, seconded by Mr. [Elbridge] Gerry, to postpone the consideration of the said paragraph, in order to take up the following:

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 42, IV, folio 350. The indorsement on the memorial states that it was read on this day and the memorial referred to Mr. [Roger] Sherman, Mr. [John] Beatty and Mr. [Samuel] Dick. The memorial is on folio 347. See *post*, May 7.

That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce, manufactures and merchandise of the other, paying in both cases such duties as are paid by their subjects or citizens respectively; but if this cannot be obtained, then such duties as are paid by the most favoured nation.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] McHenry;

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} ay
Partridge,	ay		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	ay	} div.	Chase,	ay	
Howell,	no		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	ay	} ay	Hardy,	ay	
Wadsworth,	ay		Lee,	ay	
<i>New York,</i>			Mercer,	ay	
Mr. De Witt,	ay	} div.	Monroe,	no	
Paine,	no		<i>North Carolina,</i>		} div.
<i>New Jersey,</i>			Mr. Williamson,	ay	
Mr. Beatty,	no	} no	Spaight,	no	
Dick,	no		<i>South Carolina,</i>		} div.
			Mr. Read,	no	
			Beresford,	ay	

So the question was lost.¹

The Committee consisting of M^r [Edward] Hand, M^r [John] Beatty, and M^r [Abiel] Forster to whom was referred the petition

¹ The proceedings for this day were entered only in the manuscript Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

of Lieutenant Palmer Cady of late Hazen's regiment beg leave to offer it as their opinion that Congress cannot consistently grant Lieutenant Palmer Cady any other commission than that he has already received, or is entitled to receive in consequence of a resolution of the 30th of September last ¹

The Committee [Mr. Arthur Lee, Mr. David Howell and Mr. Hugh Williamson] to whom the letter of March 24 [21], 1784, from Baron Steuben was referrd, beg leave to report,

That having examind a report passd Dec^r 30th 1782, and referrd to in the above letter, your Committee find a statement of considerable sacrifices made by the Baron when he enterd the service of the U. S., and the report farther states, "that under singular difficulties and embarrassments in the department in which he has been employd he has renderd very important and substantial services by introducing into the army a regular formation and exact discipline, and by establishing a spirit of order and œconomy in the interior administration of the Regiments, which besides other advantages have been productive of immense Savings to the U. S. It was therefore the opinion of the Committee, that the Sacrifices and Services of the Baron de Steuben justly entitle him to the distinguished notice of Congress and to a generous compensation whenever the situation of public affairs will permit."

Your Committee regarding the sacrifices and services of the Baron de Steuben in the same light submit the following resolutions:

R. That the thanks of the U. S. in Congress assembled be given to the Baron de Steuben, late Inspector general and Major general in the Army of the U. S. for the great zeal and abilities he has discovered in discharge of the several duties of his office and the distinguished services he has renderd to the U. S. during the late war: and that a gold hilted sword be presented to him, as a mark of the high sense Congress entertain of his character and services.

R. That the Superintendant of Finance take order for procuring the sword voted in the foregoing resolution.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, I, folio 489. The indorsement states that it was delivered this day and read, and filed September 9, 1785.

R. That the Superintendant of Finance take order for paying to Baron de Steuben two thousand dollars, in consideration of the Sacrifices he made when he entered into the Service of the U. S.¹

The Com^{tee} of the week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report on the application of Capt. John Steel late assistant Inspector to the Southern Army for an allowance for expenses &c. while on public business.

That the said application and other papers now in the hands of your Committee be referred.²

The Committee of the Week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report on the application of Mr. Isaac Moses of New York for Mr. Moses Myers to be appointed Consul to Amsterdam that Mr. Isaac Moses's letter be read in Congress.³

The Committee of the Week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] report on the application of Mr. William Finnie, praying that Mr. Turner now at Philadelphia adjusting the public accounts with the citizens of Pennsylvania may be authorized to settle his demand against the U. S. that it be read in Congress.⁴

Whereas the Posts at present occupied by the British troops in the northern and Western Parts of the State of New York may on their Evacuation be Seized by savages inimical to the united States whereby the inhabitants of the Frontiers may be Exposed to great Danger and Distress and the Peace and Security of the united States be Endangered thereby

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, V, folio 513. According to the indorsement, and the record in Committee Books 186 and 191, the committee was appointed March 24, and delivered this report April 1. On April 8 it was recommitted to the same committee, who delivered a second report April 12. See *post*, April 13. Steuben's letter is in No. 164, folio 242.

² This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 543. The indorsement states that it was presented April —, 1784.

³ This report, in the writing of Jonathan Blanchard is in the *Papers of the Continental Congress*, No. 46, folio 378. Moses letter is on folio 375. The indorsement shows that it was "filed with similar applications" April 1.

⁴ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 78, IX, folio 518. It is indorsed on the letter of March 10, from William Finnie, and Thomson's indorsement shows that Finnie's letter was read April 1 and referred to Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [David] Howell.

Resolved therefore that it be recommended to the State of New York to Raise with all Convenient Speed effective men Rank and file properly officered and march them without Delay and take pos[ses]sion of and garrison the Said Posts as soon as they shall be Evacuated by the Said British troops.

Resolved that the Said troops be Raised by virtue of the foregoing Resolution Shall be furnished from any of the military magazines belonging to the united States with a Sufficient number of Cannon and mortars Howitzers Shot Shells Gun powder lead and all the other necessary military apparatus for garrisoning the Said Posts.¹

FRIDAY, APRIL 2, 1784.

Congress assembled: Present, eleven states as before.

Congress resumed the consideration of the report so far as relates to the formation of treaties of amity and commerce; and it being determined,

That it will be advantageous to these United States to conclude such treaties with Russia, the Emperor of Germany for his Austrian possessions, with Prussia, Denmark, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, the two Sicilies, Venice, Sardinia and the Ottoman Porte—

And the instructions relative to the making the treaties being amended to read as follows:

“That in the formation of these treaties the following points be carefully stipulated:

That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favoured nation, freely where it is freely granted to

¹ This motion, in the writing of Mr. Ephraim Paine is in the *Papers of the Continental Congress*, No. 38, folio 407. According to the indorsement it was made and referred this day to Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Ephraim] Paine.

such nation, or paying the compensation where such nation does the same.

That with the nations holding territorial possessions in America a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions in their own bottoms the produce and merchandise thereof to these states directly, and for these states to carry in their own bottoms their produce and merchandise to such possessions directly; or lastly, a permission to the inhabitants of such possessions to carry their produce and merchandise in their own bottoms to the free ports of other nations; and thence to take back directly the produce and merchandise of these states.

That these United States be considered in all such treaties, and in every case arising under them, as one nation upon the principles of the federal Constitution.

That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the Merchants of either Country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed, and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not

be molested by the armed force of the Enemy in whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all Merchants and traders exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain, and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any Commission to any private armed Vessel empowering them to take or destroy such trading ships, or interrupt such Commerce.

And in case either of the contracting parties shall happen to be engaged in war with any other Nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the Merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals: nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall farther be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other

contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it; and the vessel shall not in that case be carried into any port, but shall be allowed to proceed in her voyage.

That in the same case, where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said ports. And that no vessel of the party who is not engaged in the said war shall be stopped without a material and well grounded cause: and in such cases, justice shall be done, and an indemnification given without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

That no rights be stipulated for aliens to hold real estates within these states, this being utterly inadmissible by their several laws and policy; but where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a Subject or Citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

And that such treaties be made for a term not exceeding ten years from the exchange of ratifications”.

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight, to postpone the consideration thereof, in order to take up the following proposition:

Whereas the harmony of the Union will be best promoted by consulting the disposition and obtaining the concurrence of the respective parts in its most important interests: And whereas the Constitution of the United States renders such concurrence of the different legislatures highly prudent, if not indispensably necessary, in forming Commercial treaties:

Resolved, That the Ministers of the United States in Europe be directed to inform the powers, who have made or shall make offers of Commercial treaties with the United States, that the United States are desirous of forming such treaties upon terms of perfect reciprocity and equality; and for that purpose are ready to enter into negotiations in America with their ministers properly authorized.

On the question to agree to the said instructions, the yeas and nays being required by Mr. [John Francis] Mercer—

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	ay	} ay	Mr. Sherman,	ay	} div.
Blanchard,	ay		Wadsworth,	no	
<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Gerry,	ay	} ay	Mr. De Witt,	ay	} div.
Partridge,	ay		Paine,	no	
<i>Rhode Island,</i>			<i>New Jersey,</i>		
Mr. Ellery,	ay	} ay	Mr. Beatty,	ay	} ay
Howell,	ay		Dick,	ay	

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} ay	Mr. Jefferson,	ay	} ay
Hand,	ay		Hardy,	ay	
<i>Maryland,</i>		} ay	Mercer,	no	
Mr. McHenry,	ay		Lee,	ay	
Stone,	ay		Monroe,	ay	
Chase,	ay		<i>North Carolina,</i>		} div.
			Mr. Williamson,	ay	
			Spaight,	no	
			<i>South Carolina,</i>		} av
			Mr. Read,	ay	
			Beresford,	ay	

So the question was lost.

Ordered, That the report be recommitted.¹

MONDAY, APRIL 5, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia North Carolina; and from the State of South Carolina, Mr. [Jacob] Read.

Congress took into consideration the report of a grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Abiel] Foster, Mr. [George] Partridge, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [John] Beatty, Mr. [John] Montgomery, Mr. [James] Tilton, Mr. [Jeremiah Townley] Chase, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read, appointed to prepare and report to Congress, the arrears of interest on the national debt, together with the interest and expences of the year 1784, from the first to the last day thereof inclusive, and a requisition of money on the states for discharging the same.

¹ The proceedings for this day were entered only in the Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

On this, or some approximate date, was read a letter of March 16 from David Jones. It is in the *Papers of the Continental Congress*, No. 78, XIII, folio 289.

Also, on this day, as the indorsement shows, was read a letter of Baron Steuben. It is in No. 164, folio 251.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, that it be referred to the superintendent of finance to report. The report of the grand committee being as follows:

“Resolved, That there will be wanting¹ for arrears of interest, and for the interest and services of the present year 1784, from the first to the last day thereof inclusive, the following sums expressed in dollars, tenths and hundredths of Dollars.

The Civil Department	107, 525. 33	
The Military Department	200, 000	
The Marine Department	30, 000	
Purchases of Indian rights of soil, and the incidental expences	60, 000	
Contingencies	60, 000	
		457, 525. 33

Debts contracted and still unpaid for the services of 1782 and 1783

1, 000, 000

Interest on the National Debt as follows:

Foreign Debt.

1782.		
Dec. 31. Three years' interest on the Spanish loan of 150,000 dollars, at 5 per cent	22, 500	
		22, 500
1783.		
Dec. 31. Spanish loan	7, 500	
Private French loans of 4 mil- lions livres, at 5 per cent	37, 037	
		44, 537
1784.		
June 1. Dutch loan of 1,800,000 florins, at 5 per cent	35, 000	
Sept. 3. Public French loan of 24 mil- lions livres, at 5 per cent	222, 000	
Nov. 5. Dutch loan of 10 millions liv- res, guaranteed by France	74, 074	
Dec. 31. Spanish loan	7, 500	
Private French loans	37, 037	
		375, 611

¹ From this point the entries in the Journal are in the writing of Benjamin Bankson of the Secretary's office.

Domestic Debt.

1782.		
Dec. 31.	Loan-office debt, 11,473,802.26 at 6 per cent.....	1, 184, 176
	Liquidated debt, 701,404 at Ditto	21, 042
	Army debt, 5,635,618 at Ditto.....	676, 272
		<hr/>
		1, 881, 490
	Deduct the requisition of Sep- tember 1, 1782.....	1, 200, 000
		<hr/>
1783.		681, 490
Dec. 31.	Loan-office debt.....	749, 050
	Liquidated debt.....	42, 084
	Unliquidated debt of 8 million dollars, suppose one-third now liquidated, at 6 per cent.....	160, 000
	Army debt.....	338, 136
		<hr/>
		1, 289, 270
1784.		
Dec. 31.	Loan-office debt.....	749, 050
	Liquidated debt.....	42, 084
Dec. 31.	Unliquidated debt, suppose the whole now liquidated..	480, 000
	Army debt.....	338, 136
		<hr/>
		1, 609, 270
		<hr/>
	Total,	5, 480, 203. 33

The committee were apprized that the resolutions of Congress of April the 18th, 1783, had recommended to the several States the raising an annual revenue, by the establishment of certain imposts, for the purpose of discharging the national debt, principal and interest: but it occurred to them, that those recommendations were still before several of the legislatures; that however desirable a compliance therewith is for the preservation of our faith, and establishment of a national

Credit, yet as time has already elapsed, and more must elapse before their final confirmation can be hoped, as, after it shall be obtained, time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the mean while other measures should be resorted to for the purpose of discharging the growing interest.

In the statement of the interest due at the close of the year 1782, the committee have supposed its amount lessened by 1,200,000 Dollars, required and apportioned by the resolutions of Congress of September the 4th and 10th, 1782, and appropriated to the sole purpose of paying the interest of the public debt. This requisition gave licence to the states, to apply so much as should be necessary of their respective quotas of it to the payment of interest due on Certificates issued from the Loan office of their own states, and other liquidated debts of the United States contracted therein. Hence they suppose it has happened, that the actual payment of these quotas, have been uncommunicated to the Office of finance for the United States. The committee are of opinion, that the states should be desired to communicate to the Superintendant of Finance, the payments they have made under its requisition, and where they have been incomplete, to hasten their completion, as the means still relied on by Congress for the discharge of that part of the interest of the public debt. And while on this subject, they beg leave to add, that from the representation to Congress by the Minister of France, referred to this committee, they learn that in some of the states, a discrimination has taken place between the citizens of their own, and subjects or citizens of other countries, which was not authorised by the said resolution: They are of opinion, that such states should be requested to revise and reform their proceedings herein, and to extend the benefits of this provision equally and impartially to all persons within its description.

Your committee came then to consider in what way it would be best to call for the sums requisite for the services before stated: and they thought it their duty in the first place to enquire, whether no surpluses might remain on former requisitions of Congress, after the purposes were effected to which they were originally appropriated; under an assurance that it would be both the duty and sense of Congress to apply such surpluses, in every instance, towards lessening the next requisitions on the states. They found in fact that such a surplus would remain on the requisition of October 30, 1781, for eight millions of Dollars for the services of the ensuing year; and that this surplus would be great from the following circumstances: that requisition was estimated on supposition, that the continental Army would be completed by the states, to its full establishment; and that cloathing, subsistence and other necessaries for such an army, must of course be provided. The states were far short of producing such an army. Hence the calls for money were proportionally abridged. It was estimated too on the further supposition that we might be disappointed in the endeavours we were then exerting to borrow money, both at home and abroad, and of course that the whole must be supplied by taxes. Loans however were obtained, and the surplus increased by this second cause. A third circumstance has further enlarged it. The payments on this requisition have been small and slow. Hence, instead of money, those who served and supplied the United States have received certificates only that money is due to them, and these debts have been transferred to the fund proposed to be raised by way of impost: so that, though the debts exist, they are removed from this to another fund. To know then the amount of this surplus, the committee extended their enquiries to the sums actually received under this requisition, the purposes to which they have been applied, and the

anticipations thereof still unsatisfied. They found that 1,486,511.71 only of the eight millions of Dollars had been received at the treasury at the close of the year 1783; that these had been applied to the services of the years 1782 and 1783, and that for other services of the same years, debts were contracted to the amount of about one million of Dollars more, which depend for their discharge on further receipts under this requisition. Your committee then are of opinion, that a surplus of 5,513,488.28 Dollars will remain of this requisition after answering all the demands which actually arose against it, which were not answered by other means, nor transferred to other funds; and that this surplus ought to be applied so far as it will go to the common purposes of the United States, so as to prevent new requisitions on them till the old shall have been exhausted, and to show to those who may have paid their whole quota of any requisition, that they will not be called on anew till all the other states shall in like manner have paid up their quotas.

Your committee found also that there was a requisition of Congress of October 16, 1782, for two millions of dollars for the services of the year 1783, on which some small payments had been tendered, but that the Superintendant of Finance had found it better to receive and credit them as part of the eight millions. They are accordingly comprehended in the sum before stated to have been paid in under that head.

Having thus stated the demands existing against the states, the committee would have performed but half their duty, had they passed over, unnoticed, their condition to pay them. Their abilities must be measured in weighing their burthens. Their creditors themselves will view them just relieved from the ravages of predatory armies, returning from an attendance on camps, to the culture of their fields; beginning to sow, but not yet having reaped; exhausted of necessaries and habitual comforts, and therefore needing

new supplies out of the first proceeds of their labour. Forbearance then, to a certain degree, will suggest itself to them. Those entrusted with the dispensation of justice between them, will suppose both parties desirous that their mutual situations should be considered and accommodated. Your committee are of opinion, that if the whole balances of the two requisitions of eight and of two millions, should be rigorously called into payment within the course of the present year, a compliance with such call would produce much distress; and that some term short of this should be fixed on, within the reach of the least as well as of the most able states. They propose therefore, that the states be required to furnish, within the course of the present year, such part of their deficiencies under the requisition of eight millions, as, with their payments to the close of the last year, will make up three-fourths of their original quota thereof: and that these payments be appropriated to the services of the present year 1784, in conformity with the statement in the first part of this report, giving generally where accommodation cannot be effected among the several objects, a preference according to the order in which they are arranged in the said statement.

But while this proportion of former deficiencies is of necessity called for, under the pressure of demands which will admit neither denial nor delay, the committee must acknowledge that even the punctual compliance expected from all the states will not effect completely all the purposes of their preceding statement. To accomplish these perfectly, to enable the federal administration to fulfil the whole of those just and desirable objects, they wish earnestly and warmly to encourage the abler states to go as far beyond this proportion as their happier situation will admit, under an assurance that their further contributions will be applied towards reducing the interest and principal of the public

debt, and will be placed to their credit in the next requisitions, with interest thereon from the time of payment.

Individual states have at times thought it hard that while, in their own opinion, they were in advance for the United States on accounts existing and unsettled between them, they should yet be called on to furnish actual contributions of money. The committee observe in answer to this, first, that almost every State thinks itself in advance: And secondly, that it has been the constant wish of Congress that these accounts should be settled, and the contributions of each be known and credited. They have accordingly put it in the power of the states to effect these settlements: And as a further encouragement to hasten this desirable work, the committee are of opinion Congress should declare, that so soon as these accounts shall be all settled, and it shall appear in favour of what states balances arise, such states shall have credit for the same in the requisitions next ensuing.

But it will be necessary also to remind the states, that no materials have yet been furnished to enable Congress to adjust the ultimate ratio in which the expenditures of the late war shall be apportioned on the states. The Confederation directs that this shall be regulated by the value of the lands in the several states with the buildings and improvements thereon. Experiments made, however, since the date of that instrument, for the purposes of ordinary taxation, had induced doubts as to the practicability of this rule of apportionment; yet Congress thought it their duty to give it fair trial, and recommended to the several states, on the 17th of February, 1783, to furnish an account of their lands, buildings and number of inhabitants, whereon they might proceed to estimate their respective quotas: but apprehending that the incompetence of the rule would immediately show itself, and desirous that no time should be unnecessarily lost, they followed it with another recommendation of the 18th of

April, 1783, to substitute in lieu of that article in the Confederation another, which should make the number of inhabitants, under certain modifications, the measure of contribution for each State. Both these propositions are still under reference to the several legislatures; the latter accompanied by the earnest wishes and preference of Congress, under full conviction that it will be found in event as equal, more satisfactory, and more easy of execution: The former only pressed if the other should be rejected: The committee are informed, that the states of Connecticut, New Jersey, Pennsylvania and South Carolina, have acceded to the alteration proposed; but have no evidence that the other states have as yet decided thereon. As it is necessary that the one or the other measure should be immediately resorted to, they are of opinion it should be recommended to the legislatures which have not yet decided between them, to come to decision at their next meeting.

In order to present to the eye a general view of the several existing requisitions, and of the payments made under them, the Committee has subjoined them in the form of a table, wherein the first column enumerates the states; the 2d the apportionment of the 1,200,000 dollars; the 3d that of the 8,000,000; the 4th that of the 2 millions; the 5th the sums paid by the several states in part of their respective quotas to the last day of the year 1783; and the 6th the sums now required to make up three-fourths of their respective quotas of the 8 millions expressed in Dollars, tenths and hundredths of Dollars.

[A Table of the several existing Requisitions, and of the Payments made under them]

	Apportionment of the 1,200,000 dol.	Apportionment of the 8,000,000	Apportionment of the 2,000,000	Paid of the 8 million before Dec. 31, 1783.	Sums now required to make $\frac{3}{4}$ of the 8 Million
New Hampshire	48, 000	373, 598	80, 000	3, 000	277, 198. 5
Massachusetts	192, 000	1, 307, 596	320, 000	247, 676. 66	733, 020. 33
Rhode Island	28, 000	216, 684	48, 000	67, 847. 95	94, 655. 0
Connecticut	133, 200	747, 196	222, 000	131, 577. 83	428, 819. 25
New York	54, 000	373, 598	90, 000	39, 064. 1	241, 134. 4
New Jersey	66, 000	485, 679	110, 000	102, 004. 95	262, 254. 3
Pennsylvania	180, 000	1, 920, 794	300, 000	346, 632. 98	493, 962. 51
Delaware	16, 800	112, 085	28, 000	-----	84, 063. 75
Maryland	132, 000	933, 996	220, 000	89, 302. 11	611, 194. 88
Virginia	174, 000	1, 307, 594	290, 000	115, 103. 53	865, 591. 54
North Carolina	88, 800	622, 677	148, 000	-----	467, 007. 75
South Carolina	72, 000	373, 598	120, 000	344, 301. 57	-----
Georgia	14, 400	24, 905	24, 000	-----	18, 678. 75
	1, 200, 000	8, 000, 000	2, 000, 000	1, 486, 511. 71	4, 577, 591. 02

It remained lastly to consider, whether no facilities might be given to the payment of these sums by the several states. The Committee observed, that of the purposes for which money is wanting, about a moiety can be answered by nothing but money itself; but that the other moiety, consisting of interest on our domestic Debt, may be effected by procuring a discount of the demand in the hands of the holders; an operation which will be shorter, and less impoverishing to the State. And however, in times of greater plenty, the accuracy of fiscal administration might require all transactions to be in actual money, at the treasury itself; yet till our constituents shall have had some respite from their late difficulties, it behoves us to prefer their easement. The committee are therefore of opinion, that the several legislatures may be admitted so to model the collection of the sums now called for, as that, the one half being paid in actual money, the other may be discharged by procuring discounts of interest with our domestic creditors; only taking care that the collection of money shall proceed at least in equal pace with the operations of discount. And to ascertain the

evidence of discount which shall be receivable in lieu of money, the holders of Loan Office Certificates shall be at liberty to carry them to the office from which they issued; and the holders of certificates and of other liquidated debts of the United States, to carry the same to the Loan Office of that State wherein the debt was contracted, and to have the interest due thereon, settled and certified to the last day of the year, 1783: for which interest, the Loan Officer shall give a certificate in such form, and under such cautions and instructions, as the Superintendent of Finance shall transmit to him: which certificates of interest being parted with by the holder of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer, within the same State, in lieu of money in the proportion before stated. And where Loan Office Certificates, issued after the first day of March, 1778, shall be presented to the Loan Officer, they shall be reduced to their specie value, according to the resolutions of Congress of June 28, 1780, that specie value expressed on some part of the certificate, and the interest thereon settled and certified as in other cases.

The report of a committee on the subject of western Territory, having been referred to the Grand Committee, they have had the same under their consideration, and agreed to the following report:

Congress by their resolution of September 6, 1780, having thought it advisable to press upon the states having claims to the western country, a liberal surrender of a portion of their territorial claims: by that of the 10th of October, in the same year, having fixed conditions to which the union should be bound, on receiving such cessions: and having again proposed the same subject to those states in their address of April 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge, on the

prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September the 6th, and of October the 10th, 1780; which several recommendations have not yet been finally complied with:

Resolved, That the same subject be again presented to the attention of the said states, that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners; these several creditors have a right to expect that funds shall be provided on which they may rely for indemnification; that Congress still consider vacant territory as a capital resource; that this too is the time when our confederacy, with all the territory included within its limits, should assume its ultimate and permanent form: And that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to remove those obstacles which disturb the harmony of the union, which embarrass its councils, and obstruct its operations.¹

On the question to refer the said report to the Superintendent of finance to report thereon, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>				<i>Connecticut,</i>		
Mr. Foster,	no	} no		Mr. Sherman,	no	} no
Blanchard,	no			Wadsworth,	no	
<i>Massachusetts,</i>				<i>New York,</i>		
Mr. Gerry,	no	} no		Mr. De Witt,	no	} div.
Partridge,	no			Paine,	ay	
<i>Rhode Island,</i>				<i>New Jersey,</i>		
Mr. Ellery,	no	} no		Mr. Beatty,	ay	} div.
Howell,	no			Dick,	no	

¹ At this point Charles Thomson resumes the entries in the Journal.

<i>Pennsylvania,</i>			<i>Virginia,</i>			
Mr. Mifflin,	no	} no	Mr. Hardy,	no	} no	
Hand,	no		Mercer,	ay		
<i>Maryland,</i>			Lee,	no		
Mr. McHenry,	no	} no	Monroe,	no		
Stone,	ay		<i>North Carolina,</i>			
Chase,	no		Mr. Spaight,	ay	*	
			<i>South Carolina,</i>			
			Mr. Read,	ay	*	

So it passed in the negative.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [Richard Dobbs] Spaight, that the first part of the report, from the word "*Resolved,*" to the word and figures "total, 5,480,203.33," inclusive; together with the paragraphs beginning with the words, "in order to present to the eye," down to the words, "and certified as in other cases," inclusive, be referred to the Superintendent of finance to report.

And on this question, the yeas and nays being required by Mr. [James] McHenry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} div.
Blanchard,	no		Hand,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	no	} no	Mr. McHenry,	ay	} ay
Partridge,	no		Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Hardy,	no	} no
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	no	} no	Lec,	no	
Wadsworth,	no		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	no	} div.	Mr. Spaight,	ay	*
Paine,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	ay	*
Mr. Beatty,	ay	} div.			
Dick,	no				

So the question was lost.¹

The Committee of the week [Mr. Jonathan Blanchard, Mr. James Wadsworth and Mr. John Beatty] on the memorial of Thomas Hart, setting forth that he had furnished supplies for the army in 1781 and had assurance of being paid in specie. That the memorial and papers accompanying be read in Congress.¹

TUESDAY, APRIL 6, 1784.

Congress assembled: Present ten states, and from South Carolina, Mr. [Jacob] Read, as yesterday.

On motion of Mr. [Ephraim] Paine, seconded by Mr. [David] Howell,

Resolved, That another commissioner be appointed in addition to those appointed by the act of Congress of the 4 of March last, to negotiate with the Indians; and that to-morrow be assigned for that purpose.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Thomas] Jefferson and Mr. [Jacob] Read, to whom was referred a letter of November 4, 1783, from Major-General Greene,

That it appears to your Committee that General Green, during his command in the Southern Department, besides the sum of 38,591 $\frac{60}{100}$ Dlrs. which had been advanced to him of the old paper

¹ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 545. According to the indorsement it was presented on this day. Hart's memorial is in No. 42, 3, 467. According to the indorsement it was read April 5. A later indorsement shows that the claim was carried to U. S. Congress, July 10, 1790.

Also, a letter of 29 March, 1784, from Richard Butler. It is in No. 56, folio 303.

Also, a letter of 5 March, 1784, from John Ettwein. It is in No. 78, VIII, folio 409.

Also, a letter of 16 March from James Wood. It is in No. 78, XXIV, folio 453.

Also, a letter of March 16 from John Pierce, which was referred to Mr. [Hugh] Williamson, Mr. [Roger] Sherman and Mr. [Samuel] Hardy. It is in No. 62, folio 13. Committee Book, No. 186, says that no report was made.

emissions, has expended in travelling and for the support of his family the sum of 10,017 $\frac{2}{3}$ Dls.

That the sum allowed him by the U. S. for his extra expences during that period as commanding in a separate Department was 5972 $\frac{2}{3}$ Dls. hence it appears that his expences have exceeded his allowance by the sum of 4045 $\frac{1}{3}$ Dls. besides the paper money referred to which at the then current state of depretiation was of small value. On which your Committee submit the following Resolve.

Resolved, That in consideration of the high price of all the necessaries of life in the southern states, while Major-General Greene commanded in that department, his account be credited with the sum of four thousand and forty-five dollars and sixteen ninetieths of a dollar; together with the sum of thirty-eight thousand five hundred and ninety-one dollars and sixty ninetieths of a dollar, of the old paper emissions, as an allowance for extra expences, above the sums to which he was entitled as a major-general commanding in a separate department.¹

Resolved, That the comptroller of accounts, do place to the credit of Major-General Greene, lately commanding the army of the United States in the southern department, the sum of three hundred and twenty-nine pounds, six shillings and threepence, Virginia currency, which appears by the affidavit of Major William Pierce, late aid-de-camp to General Greene, to have been stolen from the trunk of Major Pierce, while the public money was in his custody.²

Congress took into consideration the report of a committee, consisting of Mr. [William] Ellery, Mr. [Arthur] Lee and Mr. [Richard Dobbs] Spaight, to whom was referred the report

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 511. According to the indorsement it was read January 13.

² This paragraph, as a motion of Mr. [Jacob] Read, seconded by Mr. [David] Howell, in the writing of Jacob Read, is on folio 513.

on General Greene's letter of 7 October, 1783, respecting the compensation to be allowed to Lieutenant-Colonel Mentges, as inspector of contracts for the Southern Army; and the resolution reported by the committee being under debate, viz.

That Lieutenant-Colonel Mentges, be allowed as a compensation for his services, as inspector of contracts for the Southern army, in addition to his pay as an Officer in the line, the sum of dollars per month, during the time he executed that Office.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Edward] Hand, to postpone the same in order to take into consideration the following motion:

“That it appears that Lieutenant-Colonel Mentges executed the Office of inspector of contracts to the Southern army, by order of Major-General Greene, under the authority of the Superintendant of finance, and which appointment appears to have been confirmed by the said Superintendant actually paying two months pay of such Office to Lieutenant-Colonel Mentges: that he discharged the duties of the appointment with fidelity, and gave great satisfaction: nor is there any limitation in the resolve of the 7 of May, 1782, to prevent the duties of that office being executed by an officer in the line:

Resolved therefore, that Lieutenant-Colonel Mentges is entitled to the sum of one hundred and sixty-six and two thirds dollars per month, for executing the duties of inspector of contracts to the Southern Army:”

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} div.
Blanchard,	no		Hand,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	no	} *	Mr. McHenry,	no	} no
<i>Rhode Island,</i>				Stone,	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no			Mr. Hardy,	ay
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	no	} no	Lee,	no	
Wadsworth,	no			Monroe,	no
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	no	} no	Mr. Williamson,	no	} div.
Paine,	no			Spaight,	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Beatty,	no	} no	Mr. Read,	ay	} *
Dick,	no				

So the question was lost.

Ordered, That the further consideration of the report be postponed till to-morrow.

On motion of Mr. [John] Beatty, seconded by Mr. [William] Ellery,

Resolved, That the postmaster general take order for discharging out of the revenue of the post office, the account of Jonathan Deare, and Joseph Olden, esquires amounting to four pounds fifteen shillings for their disbursements and services, in making inquiry into the robbery of the mail at Princeton, by order of Governor Livingston, in conformity to the act of Congress of 6 January last.¹

[Report of Committee appointed to consider of the measures proper to be adopted to take possession of the Frontier Posts.]

The Committee consisting of M^r [John Francis] Mercer, M^r [Arthur] Lee, M^r [Elbridge] Gerry, M^r [David] Howell and M^r [Ephraim] Paine, appointed "to consider of the measures proper to be

¹ This motion, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 36, II, folio 343.

adopted in order to take possession of the Frontier Posts" having considered the same and sundry papers to them referred thereon beg leave to observe, That to accomplish what they conceive to be the views of Congress, two objects appear to them as intimately blended and equally necessary, the one the taking possession of the fortifications of the United States now occupied by British Troops whenever they shall evacuate them, and the other, the establishment of such additional Posts, as may be necessary for defence of the Western Territory proposed to be purchased of the Indian Inhabitants by the United States. Your Committee considered these measures as connected and indeed inseparable for the following reasons: Ist, The Posts to be relinquished by the British will extend but little protection to settlers in the New Country. II^{dly}. The number of Troops requisite to Garrison them must in a great measure be regulated by the number and force of such other Posts; and III^{dly}. The Establishment of such Posts will render others now occupied at the expence of the United States altogether unnecessary.

The extending of Garrisons to the Northward or to the Westward of Detroit can only be necessary at this period to protect the peltry and fur trade, to keep a watch upon our Neighbours and to prevent their encroaching on our Territory unobserved. These objects cannot be attained but by a considerable force and that much detached, and whether when accomplished they will not be overbalanced by the inconveniences arising from the great distance of the Posts, their exposed situation, and the expence attending them is a question which y^r Committee are unprepared to decide. Should the latter however be the opinion of Congress, it will become unnecessary to extend our views to Michilimackinac and its dependancies. But your Committee are of opinion that all possible dispatch should be used in making the necessary arrangements for taking possession of the other Posts viz, Niagara, Oswego, Fort Erie and Detroit; and as the season in which they will probably be evacuated is already far advanced they recommend for this purpose the employment of Troops, now in service, in preference to raising others (the unavoidable delay of which might endanger the destruction of the Public works). In giving this opinion your Committee find it necessary to state to Congress an obstacle to the measure. The troops retained in the service of the United States are chiefly from New Hampshire and Massachusetts, and are engaged under various stipulations to

be paid whilst in service extra pay, amounting on an average (as your Committee are informed) to more than double the pay allowed by the Continent, this great expence has heretofore been defrayed by the Inhabitants of those States, but to detain those troops in the service of the United States after the accomplishment of the object for which they were engaged, without exonerating those States from this burthen, might be considered as an act of injustice, and give rise to impediments that would obstruct their march; wherefore your Committee judged it best to advise first the employment of 100 men now stationed at Fort Pitt who are according to the best information your Committee can procure engaged on better terms, and to propose that the United States should exonerate New Hampshire and Massachusetts from the payment of the extra pay to such of their Troops as may be required for this service, in addition to those 100 men.

But as this extraordinary expence can only be justified by the most urgent necessity, and as the terms for which the men now in service are enlisted will shortly expire your Committee conceived it their duty to prepare a plan for raising the number of Troops requisite for defence of the North Western Frontier of the United States on economical and military principles. In doing this they avoided as much as possible entering into minute details; those will more properly be considered when Congress determine on a Peace establishment, a subject which in the opinion of your Committee should be considered as entirely distinct from the present measure. They have therefore (whilst they endeavoured so to model their plan that it may become a part of the general system when adopted) confined themselves to those details which it may be necessary to promulgate for the satisfaction of the officers and soldiers to be employed.

On all which Principles your Committee submit the following report:

Resolved, That the Commanding Officer of the Troops now in service of the United States, be and he is hereby directed to open a correspondance with the Commander in Chief of his Britannic Majesty's forces in Canada, in order to ascertain the precise time when each of the Posts within the Territories of the United States, now occupied by British Troops shall be delivered up.

“That he take effectual measures to have ready at those Posts at such time a sufficient number of the Troops of the United States to take possession of them, viz: at the Post of.

Posts.	Colonels	Lt Colonels	Majors	Captains	Lieutenants	Ensigns	Serg ^{ts}	D ^r & Filers	R. & File	
Niagara.....	1			2	2	2	8	4	100	} with a sufficient number of staff officers.
Oswego.....				1	1		2	1	30	
Fort Erie.....				1	1		2	1	20	
Detroit.....		1		2	2	2	8	4	100	
Michilimackinac.....			1	2	2	2	8	4	100	
	1	1	1	7	8	6	28	14	350	

“That he order the officers and men now stationed at Fort Pitt to march to such of the above Posts as may be most convenient, taking care to have well secured the stores that remain there, and that the officers and men who shall be necessary in addition to them, to compleat the number above detailed, be drawn from the other Troops remaining in service.

“That he endeavor to effect an exchange with the British Commanding Officer in Canada of the Cannon and Stores at the Posts to be evacuated for Cannon and Stores to be delivered at West Point or N. York, and if this cannot be accomplished that then he cause the complement of Cannon and Stores requisite for those Posts, to be transported thither in the most convenient and expeditious manner possible.

“That he take measures for supplying the Troops at those Posts by contract with the neighbouring Inhabitants, and if that cannot be effected, that then he cause Magazines to be erected convenient for the transportation of Supplies from different points of the United States, taking care to open as many avenues for supply as possible.

Resolved, That the Inhabitants of the States of Massachusetts and N. Hampshire be exonerated from the extra pay, due by contract, to those Soldiers who may be employed by virtue of these Resolutions from the time of their being so employed, and that those States be authorized to charge the same to the United States to be deducted out of the requisitions of the current year provided that it does not exceed the rate of 100 dollars p^r man p^r annum.

Resolved, That the Superintendent of Finance take order for the payment of such sums of money as may [be] necessary to carry into execution the foregoing resolutions.

Resolved, That there be enlisted as soon as possible to serve for the term of three years, eight hundred and ninety six men to be employed for defence of the North Western Frontier of the the United States, and that the different States furnish their quotas in the following proportions, viz:

N. Hampshire	Delaware
Massachusetts	Maryland
R. Island	Virginia
Connecticut	N. Carolina
N. York	S. Carolina
N. Jersey	Georgia
Pennsylvania	

Resolved, That the Troops so raised be formed into three Battalions of Infantry and one of Artillery, and that the establishment of a Battalion of Infantry be as follows, viz:

I. Infantry.		Pay p month	
Commiss ^s	{	1 Lieut Col ^s	104 Dollars
		1 Major.....	80
		4 Captains..... each..	60
		5 Lieutenants includ ^s 1 Adj ^t each..	30
		4 Ensigns..... each..	20
	16 Serjeants..... each..	6	
	1 Quartermaster Serjeant.....	8	
	1 Music Serjeant.....	6	
	8 Drummers and Fifers.....	3	
	200 Privates.....	3	

That the Commissioned Staff of the 3 Battalions shall be as follows, viz:

	Doll ^s p ^t month.
1 Colonel.....	120
1 Quarter Master Captain.....	60
1 Pay and Cloathing Master Cap ^t	60
1 Surgeon.....	60
5 Mates..... each..	30

II. Artillery.

Commissioned.	1 Lieutenant Colonel.....	120
	1 Major.....	104
	4 Captains..... each..	80
	4 Captains Lieutenant..... each..	50
	4 1 st Lieutenants..... each..	35
	4 2 nd Lieutenants..... each..	24
	1 Adjutant Lieutenant.....	35
	1 Quarter Master Captain.....	80
	1 Pay and Cloathing Master Cap ^t	80
	1 Surgeon.....	80
1 Surgeons Mate.....	35	
1 Quartermaster Serjeant.....	10	
1 Serjeant Major.....	10	
1 Music Serjeant.....	10	
24 Serjeants..... each..	6	
8 Drummers and Fifers..... each..	4	
100 Artificers..... each..	6	
100 Matrosses..... each..	4	

Resolved, That there be employed 1 Adjutant General and 1 Inspector General who shall have each the rank and pay of Major of Infantry.

III. Engineers.

Resolved, That there be employed three Engineers whose rank and pay shall be as follows viz:

	Pay p month
1 Colonel.....	130
1 Lieutenant Colonel.....	120
1 Major.....	104

Resolved, That the Quarter Master Captains, and Pay and Cloathing Master Captains have the rank and pay of Captains and be entitled to promotion in the line as such, but have no Companies.

Resolved, That the above allowance of Pay to Commissioned and staff officers be in lieu of the Pay, Rations, Forrage and servants heretofore allowed, and that no officer of whatever rank or on any pretence whatever presume (on pain of being cashiered) to keep a soldier as a servant.

Resolved, That the non Commissioned officers and Privates be furnished with one Ration p^r day p^r man to consist of 1 lb. of bread,

flour or Rice, 3/4 lb of salt or 1 lb of fresh Beef, Pork or fish, 1 Gill of vinegar and half a Gill of Salt, and with Cloathing in the following proportions p^r man, viz: Once in two years with a Cloth Coat, waistcoat and overalls, and with a linnen frock, 2 p^r of linnen overalls, 2 leathern stocks and 1 Hatt yearly.

Resolved, That the men so raised be commanded by officers who have continued in the service of the United States to the close of the late war, who shall be selected by Congress from the lines of the respective States, in proportion to the quotas of men affixed by these Resolutions.

Resolved, That the infantry so raised be distributed in Garrisons at the different Posts in manner following viz:

	Col ^t	Lient. Col ^t	Ma ^j	Cap ^t	Lient	Ensign	Surg ^t	Mate	Serj ^t	D. & F.	R. & F.
North End of Lake Champlain.....	1			1	1	1			4	2	50
Niagara.....			1	2	2	2	1	1	8	4	100
Oswego and Fort Erie.....				1	1	1			4	2	50
Detroit.....		1		2	2	2		1	8	4	100
Michilimackinac and the carrying place at the west End of Lake Superior.....		1	1	2	2	2		1	8	4	100
Mouth of Scioto and the carrying place between Scioto and Sandusky.....		1		2	2	2		1	8	4	100
Rapids and Mouth of the Ohio, and at the Mouth of Illinois River.....			1	2	2	2		1	8	4	100
	1	3	3	12	12	12	1	5	44	24	600
									[48]		

Resolved, That the Artillery be proportioned to the different Posts in such manner as the Commanding officer of the United States shall judge most expedient.¹

WEDNESDAY, APRIL 7, 1784.

Congress assembled: Present as yesterday.

According to order, Congress proceeded to the election of another commissioner, in addition to those appointed on

¹ This report, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 167, folio 383. The indorsement states that it was delivered this day, entered and read, and "Monday April 12, 1784, assigned for consideration."

the 4th of March last, to negotiate with the Indians; and, the ballots being taken, Mr. Philip Schuyler was elected.

THURSDAY, APRIL 8, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina;

The delegates for the state of New Jersey laid before Congress an act passed by the legislature of that State the 17 June, 1783, entitled "An Act to authorise the delegates representing this State in the Congress of the United States, to ratify an Alteration in one of the Articles of the Confederation," in the following words:

Whereas it has been recommended by Congress to the several states in Union, to authorise their respective delegates to subscribe and ratify an Alteration in the eighth of the Articles of Confederation and perpetual Union; and as the reasons urged by Congress appear to make the alteration recommended necessary; therefore,

Sec. 1. Be it enacted by the council and general Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the eighth of the Articles of Confederation and perpetual Union, between the thirteen states of America, as is contained in the words following, to wit: "All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person as such land and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled, shall, from time to time, direct and appoint," shall be, and the same is hereby revoked and made void, so far as the same extended to this State.

2. And be it further enacted, that it shall and may be lawful for the delegates representing this State in the Congress of the United States, and they are hereby required to subscribe and ratify the following as part of the said instrument of Union, and in place of the

part revoked and made void as aforesaid, to wit: "That all charges of war, and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State," which said alteration, when so subscribed and ratified, shall be deemed and held to be as sufficient and valid for the purposes therein mentioned, as the part herein before revoked and made void, was or ought to have been before the revocation and disannulling thereof.

Also an act passed the 11 June, 1783, entitled "An act to authorise the United States in Congress assembled, to levy a duty on certain goods and merchandise imported into this State, from any foreign port, island or plantation, and for the appropriation thereof."

And an act passed the 20 December, 1783, entitled "An act for raising a revenue of thirty-one thousand two hundred and fifty-nine pounds five shillings per annum, for the term of twenty-five years, for the purpose of paying the interest and principal of debts due from the United States, agreeably to a recommendation of Congress of the 18th day of April, one thousand seven hundred and eighty-three, and for appropriating the same."

The above three acts being passed pursuant to the recommendations of the 18 April, 1783.

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read, to whom were referred a letter of 13 March, from the Superintendent of finance, and one of 19 March, from the Marine Office,

The Committee [Mr. Arthur Lee, Mr. Elbridge Gerry and Mr. Jacob Read] to whom were referred a letter from the Agent of Marine of the 19th Inst., a Report on one of the 4th of Nov. last from the Superintendent of Finance, and a letter from him of the 13th Inst. with the enclosures, submit the following Report:

That by a survey of the Frigate *Alliance* in November last, the necessary repairs were estimated at 5866 $\frac{2}{3}$ Dollars.

That from the representation of the agent of marine in his letter of the 19th Inst. the repairs of the Ship *Washington* will consume more money than she will be worth when compleated.

That from the embarrassed state of our Finances there is every reason to suppose the repairs of these vessels will be necessarily deferred and in consequence thereof, that they will deprectiate in their value.

That under present circumstances it is not necessary to the keep the *Alliance* for the protection of commerce nor the *Washington* for a Packet; but that it will be for the interest of the Union, to dispose of both for continental securities.

Whereupon, Resolved, That the Agent of Marine be directed to make sale at public auction of the ~~frigate *Alliance* and Ship *Washington* for continental loan office certificates or other bonded securities at their specie value~~ for loan office certificates, or certificates for other liquidated debts due from the U. S.

That previous to the sale, the time, place and conditions thereof be advertised ~~one two months at least in the newspapers of the principal seaports throughout the United States and that particular care be taken to have the business conducted to the general satisfaction of the public~~

Resolved, That Congress approve of the conduct of the Superintendent of Finance, in issuing notes for the payment of the sums ordered to General Armand, and sundry other French officers.¹

Resolved, That the agent of marine be directed to make sale, at public auction, of the ship *Washington*, for loan office certificates, or certificates for other liquidated debts due from the United States; that previous to the sale, the time, place and conditions thereof be advertised two months.

Resolved, That Congress approve of the conduct of the Superintendant of finance in issuing notes for the payment of the sums ordered to General Armand, and sundry other French officers.

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 28, folio 225. See *ante*, March 27.

FRIDAY, APRIL 9, 1784.

Congress assembled: Present: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from South Carolina, Mr. [Jacob] Read.

~~Congress resumed the consideration of the report of the grand committee appointed to prepare and report to Congress the arrears of interest on the national debt together with the interest and expences for the year 1784 from the first to the last day thereof inclusive, and a requisition of money on the states for discharging the same, and a~~

~~motion was made by Mr. [John Francis] Mercer seconded by Mr. [Arthur] Lee to strike out the words and figures immediately following the words "domestic debt" namely "Loan office debt 11,473,802.26 at 6 per cent 1,184,176" and on the question shall those words stand, the yeas and nays being required by Mr. [William] Ellery,~~

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	ay	} ay	Mr. Beatty,	ay	} ay
Blanchard,	ay		Dick,	ay	
<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	ay	} ay	Mr. Mifflin,	ay	} ay
Partridge,	ay		Hand,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. McHenry,	ay	} div.
Howell,	ay		Stone,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Sherman,	ay	} ay	Mr. Jefferson,	ay	} no
Wadsworth,	ay		Hardy,	no	
<i>New York,</i>			Lee,	no	
Mr. De Witt,	no	} div.	Monroe,	no	
Paine,	ay		<i>North Carolina,</i>		} *
			Mr. Williamson,	ay	

So the question was lost and the words were struck out.

SATURDAY, APRIL 10, 1784.

Congress assembled: Present: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and from the State of North Carolina, Mr. [Hugh] Williamson.

[Motion of Mr. Elbridge Gerry]

Resolved, That the Legislatures of the several States be informed that whilst they are respectively represented in Congress by two delegates only such an unanimity for conducting the most important public concerns is necessary as ~~cannot be rationally~~ can be rarely expected ~~in Congress~~

That if each of the thirteen States should be represented by two members, five out of twenty-six members making only $\frac{1}{5}$ of the whole may negative any measure requiring the voice of nine States.

That of eleven states now on the floor of Congress 9 being represented by only 2 members from each, it is in the power of 3 out of 25 making only $\frac{1}{8}$ of the whole to negative such a measure, notwithstanding that by the Articles of Confederation the dissent of 5 out of 13 states, being more than $\frac{1}{3}$ of the number is necessary for such a negative.

That should each of the States be represented by 3 members not less than 10 of 39 could so negative a ~~proposition~~ matter requiring the voice of 9 states.

That therefore Congress conceive it to be indispensibly necessary and earnestly recommend that each state should at all times when Congress are sitting be represented by 3 members at least and that the most injurious ~~delay~~ consequences of ~~public measures~~ may be expected from the want of such representation.

From the 1st Monday of November to the 11th of March last there were 72 meetings of Congress at 25 of which there were less than 7 states and at 14 of the meetings nothing was done.¹

¹ This motion, in the writing of Elbridge Gerry, seconded, by Mr. Arthur Lee, is in the *Papers of the Continental Congress*, No. 23, folio 189. The indorsement says that it was referred on this day to Mr. [Elbridge] Gerry, Mr. [Roger] Sherman and Mr. [Arthur] Lee. See *post*, April 19.

[Motion by M^r Ephraim Paine, referred to M^r Edward Hand, M^r Ephraim Paine M^r Arthur Lee]

Whereas on the late invasion of the City of New York by the troops of his Britannic Majesty, the bells of the State house, Churches and other public buildings of the said City were taken down and removed to New Jersey and afterwards the United States in Congress Assembled, ordered the said bells to be removed to the public works belonging to them at Carlisle in the State of Pennsylvania to be cast into brass field pieces for the use of their armies and whereas the said bells were not made use of for that purpose nor for any other.

Resolved, That the said bells be transported from the place where they now are to the City of New York at the expence of the United States.¹

MONDAY, APRIL 12, 1784.

Congress assembled: Present: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina; and from the State of North Carolina, Mr. [Hugh] Williamson.

Congress resumed the consideration of the report of the committee appointed to prepare and report to Congress the arrears of interest on the national debt, together with the interest and expences for the year 1784, from the first to the last day thereof inclusive, and a requisition of money on the states, when a motion was made by Mr. [Thomas] Jefferson, seconded by Mr. [Arthur] Lee, in that part where it is proposed, "that the states be required to furnish within the course of the present year, such part of their deficiencies under the requisition of eight millions, as with their payments to the close of the last year, will make up three-fourths of their original quota thereof;" that "three-fourths" be struck out, and in lieu thereof, "one half" inserted: And on

¹ This motion, in the writing of Ephraim Paine, seconded by Mr. Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 379. See *post*, May 4.

the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} div.	Mr. Mifflin,	no	} no
Blanchard,	ay		Hand,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. McHenry,	ay	} ay
Partridge,	ay		Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Jefferson,	ay	} ay
<i>Connecticut,</i>			Hardy,	ay	
Mr. Sherman,	ay	} div.	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	ay	} div.	Mr. Williamson,	ay	} *
Paine,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	ay	} ay
Mr. Beatty,	ay	} ay	Beresford,	ay	
Dick,	ay				

So the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the words "three-fourths," and in lieu thereof, insert "three-fifths:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	no	} div.	Mr. Sherman,	ay	} div.
Blanchard,	ay		Wadsworth,	no	
<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Gerry,	ay	} ay	Mr. De Witt,	ay	} ay
Partridge,	ay		Paine,	ay	
<i>Rhode Island,</i>			<i>New Jersey,</i>		
Mr. Ellery,	ay	} ay	Mr. Beatty,	ay	} ay
Howell,	ay		Dick,	ay	

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	no	} no	Mr. Jefferson,	no	} no
Hand,	no		Hardy,	no	
<i>Maryland,</i>			Lee,	ay	
Mr. McHenry,	no	} no	Monroe,	no	} *
Stone,	no		<i>North Carolina,</i>		
Chase,	no		Mr. Williamson,	ay	
			<i>South Carolina,</i>		} ay
			Mr. Read,	ay	
			Beresford,	ay	

So the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [Abiel] Foster, to reconsider the first motion, to strike out "three-fourths," and insert "one-half;" which being agreed to, on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	no	} no
Blanchard,	ay		Hand,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		} ay
Mr. Gerry,	ay	} ay	Mr. McHenry,	ay	
Partridge,	ay		Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	} *
Mr. Ellery,	no	} div.	<i>Virginia,</i>		
Howell,	ay		Mr. Jefferson,	ay	} ay
<i>Connecticut,</i>			Hardy,	ay	
Mr. Sherman,	ay	} div.	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} *
Mr. De Witt,	ay	} ay	Mr. Williamson,	ay	
Paine,	ay		<i>South Carolina,</i>		} ay
<i>New Jersey,</i>			Mr. Read,	ay	
Mr. Beatty,	ay	} ay	Beresford,	ay	
Dick,	ay				

So it was resolved in the affirmative.

The Committee [consisting of Roger Sherman, John Beatty and Arthur Lee] to whom was referred a letter from the President of the State of Pennsylvania dated March 24th 1784. Report as their opinion,

That the President of Congress write to the President of the State of Pennsylvania, acknowledging the receipt of his letter of the 24th of March last and acquaint him that Congress do not think proper to take any order respecting the running the lines therein mentioned.¹

The Committee of the Week [Mr. James McHenry, Mr. Charles De Witt and Mr. Thomas Stone] report that the memorial of D^r [Nicholas] Schuyler be read in Congress.²

The Committee of the Week [Mr. James McHenry, Mr. Charles De Witt and Mr. Thomas Stone] report that the petition of James Livingston be read in Congress.³

The Committee to whom the Report of a Committee on Baron Steuben of March 24th was recommitted, together with the Report of a Committee of Dec^r 30, 1782, beg leave to report,

That upon examining the Papers accompanying the report of the 30th Dec^r they find the Baron de Steuben states therein that he was possessed of a ~~Patrimony~~ canonry worth 4600 livres per annum, and of an appointment from the Margrave of Baden of 4800 livres per annum; that on coming to enter into the service of the U. S., he transferred his canonry to his nephew and resigned the appointment in the Margrave's Service. Your Committee therefore recommend the following Resolutions:

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, II, folio 171. The indorsement states that it was read on this day.

The letter of John Dickinson, President of Pennsylvania, is in No. 69, II, folio 473.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 41, IX, folio 288. Schuyler's memorial is on folio 285. It was referred, the indorsement states, to Mr. [Edward] Hand, Mr. [David] Howell and Mr. [Charles] De Witt, and May 3 ordered to be filed.

³ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 42, IV, folio 354. Livingston's petition is on folio 351. It was referred, the indorsement states, to Mr. [Edward] Hand, Mr. [David] Howell and Mr. [Charles] De Witt.

On this day, as the indorsement indicates, was read a letter from Israel Evans, and referred to Mr. [Edward] Hand, Mr. [David] Howell and Mr. [Charles] De Witt. It is in No. 78, VIII, folio 413. Committee Book, No. 186, states that the committee reported April 22.

R. That the resignation of the Baron de Steuben, late Inspector Gen^l and Major General be accepted ~~the Superintendant of Finance take order for paying to the Baron Steuben six thousand Dollars as a compensation for the Sacrifices he made when he entered the Service of the U. S. exclusive of all sums due to him for pay and arrearages of Pay, Rations and Subsistance.~~

R. That the thanks of the U. S. in Congress assembled be given to the Baron de Steuben for the great zeal and abilities he has discovered in the discharge of the several duties of his office, and that a gold hilted sword be presented to him as a mark of the high sense Congress entertain of his character and services.

R. That the Superintendant of Finance take order for procuring the same.¹

TUESDAY, APRIL 13, 1784.

Congress assembled: Present: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, Maryland, Virginia, North Carolina and South Carolina.

Congress took into consideration the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom was re-committed their report on a letter of 24 March, from Major-General Baron Steuben, together with the report of a committee respecting him, entered on the journal of the 30 December, 1782, and the first resolution reported by the committee being amended to read as follows:

“That the resignation of Baron Steuben, late inspector general and major general, be accepted: and that the Superintendant of finance take order for paying him thirteen thousand dollars, as a compensation for the sacrifices he made when he entered the service of the United States, exclusive of all sums due to him as an officer in the service of the United States.”

¹This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, V, folio 517. According to the indorsement, it was delivered April 12.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read, to postpone the consideration of the said resolution, in order to take up the following:

Whereas Major-General Baron Steuben, at the instance of the friends of America, and with the advice and concurrence of the Ministers of the United States in France, did, in the latter end of the year 1777, come over to America, and producing the most honorable testimonials of his military rank and abilities, did profer his services to Congress, declaring at the same time that he would not make any previous stipulations for a reward, but would leave it to be determined by Congress after they should have proofs and experience of his merit and services. And whereas the abilities and zeal of that meritorious officer, in the department of inspector general, have been the principal cause of introducing and perfecting discipline in our army, and establishing such a system of economy as produced an extraordinary reduction of expences:

Resolved, That the Superintendent of finance be directed to issue securities bearing an annual interest of six per cent. and payable as other debts due to the army, to the said Major-General Baron Steuben, to the amount of 45 thousand dollars, in full of all sums due to him for pay, arrearages of pay, rations, subsistence, half pay or commutation, and of all other demands for services and sacrifices in the cause of the United States.

That the Superintendent of finance be directed to advance in specie to the said Baron Steuben, the sum of _____ in part payment of the preceding resolve:¹ And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [David] Howell,

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, V, folio 515.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} ay
Partridge,	ay		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		} ay
Howell,	no		Mr. Hardy,	ay	
<i>Connecticut,</i>			Mereer,	ay	
Mr. Sherman,	no	} no	Monroe,	ay	
Wadsworth,	no		<i>North Carolina,</i>		} div.
<i>New York,</i>			Mr. Williamson,	no	
Mr. De Witt,	no	} no	Spaight,	ay	
Paine,	no		<i>South Carolina,</i>		} div.
<i>New Jersey,</i>			Mr. Read,	ay	
Mr. Beatty,	no	} no	Beresford,	no	
Dick,	no				

So the question was lost.

The Superintendent of Finance to whom was referred the Memorial of William Duer begs leave to report.

That although he cannot assent to all the matters stated in the said memorial he believes there is sufficient ground for the complaint of the memorialist.

That a similar complaint is made by the contractors for supplying the moving army during the same period.

That the officers of the Treasury neither are nor ought to be vested with authority in such cases.

That redress can only be given by the United States in Congress assembled. That where contracts entered into with individuals have not been fulfilled on the part of the public justice undoubtedly requires that compensation be made, and that enquiries of this sort by Congress, or by Committees of Congress would be attended with trouble, expense and delay besides that Congress would be in some respects judges in their own cause.

Wherefore the following resolution is submitted.

Whereas it hath been alledged that certain contracts entered into for supplying the army with rations have not been punctually complied with on the part of the United States, and whereas it is just

that adequate compensation be made to the parties for any injuries or damages by them sustained in consequence of such non compliance.

Resolved, That the Superintendent of Finance of the United States be and he hereby is authorized and empowered to agree with the parties making complaint of such injury to submit the same to the arbitrament of persons indifferently chosen by the said Superintendent and by such parties so complaining as aforesaid.

All which is humbly submitted.

ROBT. MORRIS.¹

OFFICE OF FINANCE

8th April 1784.¹

[Report of Mr. Richard Peters, Mr. Hugh Williamson and Mr. Abraham Clark.]

That the memorial of Lieutenant Andrew Lytle and the papers accompanying the same be referred to the Superintendent of Finance to report.²

WEDNESDAY, APRIL 14, 1784.

Congress assembled: Present, eleven states as yesterday.

On the report of a committee, consisting of Mr. [John] Beatty, Mr. [Edward] Hand and Mr. [William] Ellery, to whom was referred an account of Captain Gassaway,

That considering the nature of the services, he has been employed in and the very great expence he was at in travelling and horse hire,

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 789. The indorsement states that it was read on this day.

² This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 42, IV, folio 345. The indorsement indicates that it was read on this day. See *ante*, October 4, 1783.

On this day, as the indorsement states, was read a letter of April 2 from D. Humphrys. It is in No. 78, XII, folio 303.

Also, a letter of April 3 from the Superintendent of Finance. It is in No. 137, III, folio 487.

Also, a letter of April 10 from Joseph Carleton, Secretary in the War Office. It appears, from the indorsement, to have been referred to Mr. [James] McHenry, Mr. [Samuel] Diek, Mr. [Hugh] Williamson, Mr. [Samuel] Holten and Mr. [Joseph] Gardner, but later the reference was struck out. It is in No. 151, folio 25.

Also, a letter of March 28 from Nathanael Greene. It is in No. 155, II, folio 698.

your Committee are of opinion the sum charged is not too great; they therefore submit the following resolution:

Resolved, That six dollars per day be allowed to Captain John Gassaway, for thirty days, the time he was employed in carrying public dispatches to Virginia, in full for his services, horse hire and other expences, and that the amount thereof be charged on the revenue of the post office.¹

The delegates for the State of Pennsylvania laid before Congress, an act passed pursuant to the act of Congress of the 18 April, 1783, by the legislature of that State, on the 23 September, 1783, entitled "An act for levying a duty on certain enumerated articles, and an impost of five per cent. ad valorem on all other goods, wares and merchandise, imported into this State, and a tax upon real and personal property, for the discharge of the debts of the United States of America, agreeable to acts of Congress therein recited, and for other purposes therein mentioned."

The delegates of the State of Rhode Island and Providence Plantations, having informed Congress, that the legislature of said State, at their session in February last, passed the following resolutions, to wit:

Resolved, That the delegates of this State be, and they are hereby instructed to use their influence to obtain a recess of Congress, as soon as the national business will possibly admit.

It is further voted, that the delegates of this State request that honorable body to adjourn and convene at Rhode Island in the course of the next year, or as soon as may be convenient; and that Congress be informed, that if the aforesaid request shall be acceded to, this State will prepare suitable buildings for their accommodation."

And thereupon moved, That on the ~~fifteenth~~ twenty sixth day of May next, the President adjourn this Congress until the 26 day of October next, then to meet at Newport, in the

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, II, folio 383.

State of Rhode Island and Providence Plantations, and if a sufficient number of members to form a house should not then meet, that all the business before this Congress unfinished at the time of said adjournment, be referred to the United States in Congress, who shall be assembled at said Newport, on the first Monday in November next.¹

A motion was made by Mr. [Thomas] Jefferson, seconded by Mr. [Samuel] Hardy, to strike out the words "then to meet at Newport, in the State of Rhode Island and Providence Plantations," and afterwards the words "at said Newport": And on the question, shall those words stand the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} *
Partridge,	no		Mr. McHenry,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Jefferson,	no	} no
Howell,	ay		Hardy,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	no	} no	Monroe,	no	
Wadsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Williamson,	no	} no
Mr. De Witt,	no	} no	Spaight,	no	
Paine,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	no	} no
Mr. Beatty,	no	} no	Beresford,	no	
Dick,	no				

So it passed in the negative, and the words were struck out.

A motion was then made by Mr. [John] Montgomery, seconded by Mr. [Edward] Hand, in lieu of the words

¹ The motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, IV, folio 567. The word lined out so appears in the report and not in the Journal.

struck out, to insert "to meet at Philadelphia:" And on the question to agree to this, the yeas and nays being required by Mr. [Edward] Hand,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} no
Partridge,	no		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	no	} no	Chase,	no	
Howell,	no		<i>Virginia,</i>		} no
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	no	} no	Hardy,	no	
Wadsworth,	no		Mercer,	no	
<i>New York,</i>			Monroe,	no	
Mr. De Witt,	no	} no	<i>North Carolina,</i>		} *
Paine,	no		Mr. Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	no	} no	Mr. Read,	no	
Dick,	no		Beresford,	no	

So it passed in the negative.

A motion was then made by Mr. [James] Monroe, seconded by Mr. [James] McHenry, to postpone the further consideration of the motion under debate, in order to take up the following:

That the states of Maryland and Virginia be informed, that provided they will advance the United States pounds, for the erecting the necessary buildings for the reception of Congress at or near Georgetown, at the falls of Potomac, it shall be allowed them in the requisitions made on them for the year by the United States in Congress assembled.¹

¹ This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 36, IV, folio 571. In the draft the amount of the advance is given as 4000 £.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] Monroe,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>					
Mr. Foster,	no	}	no	Mr. Mifflin,	no	}	no		
Blanchard,	no			Montgomery,	no				
<i>Massachusetts,</i>				Hand,	no				
Mr. Gerry,	no	}	no	<i>Maryland,</i>		}	ay		
Partridge,	no			Mr. McHenry,	ay				
<i>Rhode Island,</i>				Stone,	ay				
Mr. Ellery,	no	}	div.	Chase,	ay				
Howell,	ay			<i>Virginia,</i>		Mr. Jefferson,	ay	}	ay
<i>Connecticut,</i>				Hardy,	ay				
Mr. Sherman,	no	}	no	Mercer,	ay				
Wadsworth,	no			Monroe,	ay				
<i>New York,</i>				<i>North Carolina,</i>		}	div.		
Mr. De Witt,	no	}	no	Mr. Williamson,	ay				
Paine,	no					Spaight,	no		
<i>New Jersey,</i>				<i>South Carolina,</i>		}	ay		
Mr. Beatty,	no	}	no	Mr. Read,	ay				
Dick,	no					Beresford,	ay		

So it passed in the negative.

A motion was then made by Mr. [Thomas] Jefferson, seconded by Mr. [James] Monroe, in lieu of the words struck out, to insert "Alexandria:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] Monroe,

<i>New Hampshire,</i>				<i>Connecticut,</i>			
Mr. Foster,	no	}	no	Mr. Sherman,	no	}	no
Blanchard,	no			Wadsworth,	no		
<i>Massachusetts,</i>				<i>New York,</i>		}	no
Mr. Gerry,	no	}	no	Mr. De Witt,	no		
Partridge,	no					Paine,	no
<i>Rhode Island,</i>				<i>New Jersey,</i>		}	no
Mr. Ellery,	no	}	no	Mr. Beatty,	no		
Howell,	no					Dick,	no

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	no	} no	Mr. Jefferson,	ay	} ay
Montgomery,	no		Hardy,	ay	
Hand,	no		Mercer,	ay	
<i>Maryland,</i>			Monroe,	ay	
Mr. McHenry,	no	} no	<i>North Carolina,</i>		} no
Stone,	no		Mr. Williamson,	no	
Chase,	no			Spaight,	no
			<i>South Carolina,</i>		} no
			Mr. Read,	no	
			Beresford,	no	

So it passed in the negative.

A motion was made by Mr. [John] Beatty, seconded by Mr. [Roger] Sherman, in lieu of the words struck out, to insert "to meet at Trenton, in the State of New Jersey, agreeably to their act of the 21 of October last." And on the question to agree to this, the yeas and nays being required by Mr. [John] Beatty,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	ay	} ay	Chase,	no	
Howell,	ay		<i>Virginia,</i>		} no
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	ay	} ay	Hardy,	no	
Wadsworth,	ay		Mercer	no	
<i>New York,</i>			<i>North Carolina,</i>		} div.
Mr. De Witt,	ay	} ay	Mr. Williamson,	ay	
Paine,	ay			Spaight,	no
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	ay	} ay	Mr. Read,	no	
Dick,	ay			Beresford,	no

So it was resolved in the affirmative.

A motion was then made by Mr. [Thomas] Jefferson, for a further amendment, by adding immediately after the words inserted, these words, to wit, "provided a committee of the states shall have been previously constituted." On this amendment the previous question was moved by the State of Massachusetts, seconded by the State of New Jersey: and on the question to agree to the previous question, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	} ay		Mr. Mifflin,	no	} no	
Blanchard,	ay			Montgomery,	no		
<i>Massachusetts,</i>			Hand,	no			
Mr. Gerry,	ay	} ay		<i>Maryland,</i>		} no	
Partridge,	ay			Mr. McHenry,	no		
<i>Rhode Island,</i>			Stone,	no			
Mr. Ellery,	ay	} ay		Chase,	no		
Howell,	ay			<i>Virginia,</i>		} no	
<i>Connecticut,</i>			Mr. Jefferson,	no			
Mr. Sherman,	ay	} ay	Hardy,	no			
Wadsworth,	ay			Mercer,	no		
<i>New York,</i>			Monroe,	no			
Mr. De Witt,	no	} div.		<i>North Carolina,</i>		} no	
Paine,	ay			Mr. Williamson,	no		
<i>New Jersey,</i>			Spaight,	no			
Mr. Beatty,	ay	} ay		<i>South Carolina,</i>		} no	
Dick,	ay			Mr. Read,	no		
				Beresford,	no		

So the question was lost.¹

¹ On this day, as the indorsement states, was read a petition of Thomas Russell and other officers and mariners of the armed schooner *Franklin*. It was referred to the Superintendent of Finance, as agent of marine, to report. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 93.

Also, a petition dated Boston, March 26, 1784, from Timothy Green. It is in No. 59, III, folio 219.

Also, a letter of March 9 from Major General Nathanael Greene. It is in No. 155, II, folio 692.

THURSDAY, APRIL 15, 1784.

Congress assembled: Present, eleven states as yesterday.

Congress resumed the consideration of the report on the letter of 24 March, from Major General Baron Steuben; and thereupon,

Resolved, That the resignation of Baron Steuben, late inspector general and major general, be accepted.

That the thanks of the United States in Congress assembled, be given to Baron Steuben, for the great zeal and abilities he has discovered in the discharge of the several duties of his office; that a gold hilted sword be presented to him, as a mark of the high sense Congress entertain of his character and services, and that the Superintendent of finance take order for procuring the same.

[Motion by Mr. Thomas Jefferson]

Congress having been made sensible that Major Gen^l Baron de Steuben when he left Europe to enter into the service of America independantly of other sacrifices relinquished offices of very considerable income and honor ~~and that unless he can receive the monies due to him from these states his return from their service will be to a situation distressing himself, dishonorable to them and discouraging to others in future~~

Resolved, That the proper officers proceed to the liquidation of the monies due from these states to Major General Baron de Steuben:

that the Superintendent of Finance report to Congress his opinion of the most speedy and efficacious means of procuring and paying the same either here or in Europe, that Baron Steuben be assured that Congress will adopt these or such others as shall appear most proper and effectual for doing him that justice which the peculiarity of his case authorises, ~~and that for his accomodation in the meantime he be presented with ten thousand dollars for the immediate delivery of which the financier will take order~~¹

¹ This motion, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 19, V, folio 521. It is undated.

That the proper officers proceed to the liquidation of moneys due from the United States, to Major General Baron Steuben; that the Superintendent of finance report to Congress his opinion of the most speedy and efficacious means of procuring and paying the same either here or in Europe.

That Baron Steuben be assured, that Congress will adopt these or such others as shall appear most proper and effectual, for doing him that justice which the peculiarity of his case authorises.

A motion ~~being before Congress~~ was made by Mr. [Thomas] Jefferson, seconded by Mr. [Elbridge] Gerry, that the sum of ten thousand dollars be presented to Baron Steuben, for which the Superintendent of finance will take order; on which the yeas and nays being required by Mr. [James] Wadsworth,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Hand,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. McHenry,	ay	} ay
Partridge,	ay		Stone,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Jefferson,	ay	} ay
Howell,	no		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	no	} no	Mr. Williamson,	no	} div.
Wadsworth,	no		Spaight,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. De Witt,	ay	} ay	Mr. Read,	ay	} ay
Paine,	ay		Beresford,	ay	
<i>New Jersey,</i>					
Mr. Beatty,	ay	} ay			
Dick,	ay				

So the question was lost.

A motion was then made by Mr. [Ephraim] Paine, seconded by Mr. [Elbridge] Gerry, that the sum of 8000 dollars be presented to Baron Steuben; on which the yeas and nays being required by Mr. [James] Wadsworth,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Hand,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. McHenry,	ay	} ay
Partridge,	ay		Stone,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Jefferson,	ay	} ay
Howell,	no		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	no	} no	Mr. Williamson,	ay	} ay
Wadsworth,	no		Spaight,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. De Witt,	ay	} ay	Mr. Read,	ay	} ay
Paine,	ay		Beresford,	ay	
<i>New Jersey,</i>					
Mr. Beatty,	ay	} ay			
Dick,	ay				

So the question was lost.

On motion of Mr. [Roger] Sherman, seconded by Mr. [William] Ellery,

Resolved, That the Superintendent of finance take order for immediately advancing to Baron Steuben, on account, the sum of ten thousand dollars.¹

¹ This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 529.

On the question to agree to this, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	}	ay	Mr. Mifflin,	ay	}	ay
Blanchard,	ay			Montgomery,	ay		
<i>Massachusetts,</i>				Hand,	ay		
Mr. Gerry,	ay	}	ay	<i>Maryland,</i>		}	ay
Partridge,	ay			Mr. McHenry,	ay		
<i>Rhode Island,</i>				Stone,	ay		
Mr. Ellery,	ay	}	ay	<i>Virginia,</i>		}	ay
Howell,	ay			Mr. Jefferson,	ay		
<i>Connecticut,</i>				Mercer,	ay		
Mr. Sherman,	ay	}	ay	<i>North Carolina,</i>		}	ay
Wadsworth,	ay			Mr. Williamson,	ay		
<i>New York,</i>				Spaight,	ay		
Mr. De Witt,	ay	}	ay	<i>South Carolina,</i>		}	ay
Paine,	ay			Mr. Read,	ay		
<i>New Jersey,</i>				Beresford,	ay		
Mr. Beatty,	ay	}	ay				
Dick,	ay						

So it was resolved in the affirmative.

On the report of a committee, consisting of Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson, to whom was referred a letter of 19 March, from Major General Baron Steuben, late inspector general, informing that he had appointed Major North, inspector to the troops under the command of General Knox.

Resolved, That Congress approve of and confirm the appointment of Major William North, as inspector to the troops remaining in the service and pay of the United States.¹

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, V, folio 527.

On the question to agree to this, the yeas and nays being required by Mr. [James] Wadsworth,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	} div.		Mr. Mifflin,	ay	} ay	
Blanchard,	no			Montgomery,	ay		
<i>Massachusetts,</i>			Hand,	ay			
Mr. Gerry,	ay	} ay		<i>Maryland,</i>		} ay	
Partridge,	ay			Mr. McHenry,	ay		
<i>Rhode Island,</i>			Stone,	ay			
Mr. Ellery,	no	} div.		<i>Virginia,</i>		} ay	
Howell,	ay			Mr. Jefferson,	ay		
<i>Connecticut,</i>			Mercer,	ay			
Mr. Sherman,	no	} no		<i>North Carolina,</i>		} ay	
Wadsworth,	no			Mr. Williamson,	ay		
<i>New York,</i>			Spaight,	ay			
Mr. De Witt,	ay	} div.		<i>South Carolina,</i>		} ay	
Paine,	no			Mr. Read,	ay		
<i>New Jersey,</i>			Beresford,	ay			
Mr. Beatty,	ay	} ay					
Diek,	ay						

So it was resolved in the affirmative.

On the report of a committee, consisting of Mr. [Jacob] Read, Mr. [John] Beatty and Mr. [James] McHenry, to whom was referred a petition of Philip Strubing, a citizen of Geneva, and late a lieutenant of dragoons, in the service of the United States;

Resolved, That a brevet commission of captain in the army of the United States, be issued to Lieutenant Philip Strubing, late of Van Herr's corps.

Resolved, That the instruction of the 22 of January last, to the Superintendent of finance, in favour of certain foreign officers, be considered by him as extending, and it is hereby extended to Lieutenant Philip Strubing, late of Van Herr's corps, in the service of the United States of America.¹

¹ Strubing's petition is in the *Papers of the Continental Congress*, No. 41, IX, folio 277.

Congress resumed the consideration of the report on the letter from Major General Greene, respecting Colonel Mentges; and thereupon,

The Committee consisting of M^r [Williams] Ellery, M^r [Arthur] Lee and M^r [Richard Dobbs] Spaight to whom the report of a committee on General Greene's letter and its enclosures, respecting Colonel Mentgez, was referred, offer the following statement and resolution.

From a perusal of said letter and its enclosures, it appears, that General Greene appointed Lieutenant Colonel Mentgez inspector of contracts, for the time being, to the Southern Army; that at the same time he was inspector of the Army and from his knowledge of the returns had it more in his power to check abuses than any other person; that General Greene gave notice of said appointment to the Superintendent of Finance and Secretary of War in a letter to the former dated Feb^r 20th 1783, desiring them if there was any impropriety in Lieutenant Colonel Mentgez holding both Offices that they would inform him of it;

That neither of them made any objection, that the Colonel continued to perform the duties until the dissolution of the Army; that the duties were hard, and that no man could have performed them more satisfactorily;

That General Greene drew two bills on the Superintendent of Finance in favor of Colonel Mentgez each for 166 $\frac{2}{3}$ dollars, which is the monthly pay of an inspector of contracts, and for which he has credited the United States in his account; that he presented his Account as Inspector of Contracts for payment and was told by the Comptroller of Accounts that he could not settle said Account, because he (the Colonel) held two appointments at the same time without a special resolve of Congress, and by an Act of Congress dated Sept^r 18th 1776, it further appears "that no Officer in the Continental Army be allowed to hold more than one Commission, or to receive pay but in one capacity at the same time."

Whereupon your Committee submit the following resolution,

Resolved, That Lieutenant Colonel Mentges be allowed as a compensation for his services as inspector of Contracts for the Southern Army, in addition to his pay as an Officer in

the line, the sum of one hundred and ten dollars per month, during the time he executed that Office.¹

The Committee consisting of M^r [William] Ellery, M^r [James] Maddison and M^r [James] Duane, to whom was committed a letter from Major Gen^l Greene of the 7th of Oct^r 1783, enclosing a copy of a letter and an account of F. C. Mentgez beg leave to report.

That in settling the pay and accounts of Lieutenant Colonel Mentgez he be allowed the pay of Inspector of Contracts for the Southern Army ~~from the he was appointed to that office by~~ while he acted in that office, under the appointment of Major General Greene, ~~until the expiration thereof~~ and that during that time his pay and allowances as Lieutenant Colonel and Inspector of the Army cease.²

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [James] McHenry and Mr. [William] Ellery, to whom was referred a letter from the Secretary at War, on the case of Lieutenant Jollibois;

Resolved, That Mr. Jollibois be allowed the pay of a lieutenant from the 4 October, 1781, to the 3 of November, 1783; and that certificates be given to him for the same.³

On the report of a committee, consisting of Mr. [Richard] Peters, Mr. [Hugh] Williamson and Mr. [Abraham] Clark, to whom were referred a memorial of Andrew Little [Lytle], and sundry papers accompanying the same;

Resolved, That the said memorial and papers be referred to the Superintendent of finance to report.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [John] Beatty and Mr. [Abiel] Foster, to whom was referred a letter of the 16th January, from the Superin-

¹ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, IV, folio 73.

² This report, in the writing of William Ellery, is in No. 19, IV, folio 77¹. It was read, the indorsement states, November 1, 1783, and on January 6, 1784, committed to Mr. [William] Ellery, Mr. [Arthur] Lee and Mr. [Richard Dobbs] Spaight. Greene's letter is in No. 155, II, folio 639.

³ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, III, folio 319.

tendant of finance, as agent of marine, respecting a claim of Captain Green and others;

Resolved, That no extra allowance be made to naval officers who have been or who may be employed on courts martial in the State where they reside at the time of holding the same, or where the ships or vessels of war to which they belong, did or may lie at the time of their being so employed.

That the agent of marine report to Congress, a reasonable allowance per day for such naval officers as have been or shall be employed on courts martial out of the states of their residence, or in a State where the ships or vessels of war to which they were or may be attached, did not or shall not lie at the time of their being so employed.¹

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [William] Ellery and Mr. [Roger] Sherman, to whom was referred a report of the Superintendent of finance of the 6 November last, on the memorial of sundry officers late in the department of the issuing commissary;

Resolved, That the Superintendent of finance cause the accounts of the late issuing commissaries to be settled, with all convenient despatch, after the several charges shall have been exhibited against the ~~deputies~~ by late head of the department, and they shall have delivered in their returns, books and vouchers, provided they shall, when the same may be required, confirm, by oath, the accounts of issues which they may exhibit; provided also, that before any certificates shall be given for balances that may appear due to any of the said issuing commissaries, they shall give security equal to the amount of such certificate, that in case any error shall hereafter appear in the statement of their accounts, they shall be answerable for the same.²

¹ The letter of the Agent of Marine is in No. 137, III, folio 667.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 29, folio 153. See *ante*, January 6.

On the report of said committee, to whom was referred a memorial of James Gamble, late deputy commissary of issues, touching money stolen;

The Committee to whom was referred the Memorial of James Gamble late Deputy Commissary General of Issues, stating that in November 1781 he received from Charles Stewart 2000 dollars of the new emission of the state of Rhode Island in pay for himself and his assistants in the Department. That the money was much depreciated, and would not pass current or be received by his assistants. That he put 1807 dollars of the same into the hands of Standish Ford of Philadelphia to be taken by him to Rhode Island and exchanged for gold or silver coin to the best advantage of which money said Standish Ford was afterwards robbed as appears by his oath, and praying that he may not be charged with the money, that was so lost, submit the following resolve.

Resolved, That as it appears that two thousand dollars of the new emission of the State of Rhode Island, were delivered to James Gamble, as pay for himself and his deputies, and that the said Gamble afterwards considered the greatest part of the money as private property, belonging to himself or to his assistants, and as such ordered it to be taken to Rhode Island, and there negotiated for specie, the request of the memorialist that the said money be not charged to him, cannot be granted.¹

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [William] Ellery and Mr. [Hugh] Williamson, to whom was referred a report from the Superintendent of finance, on a Motion of Mr. [Abraham] Clarke, respecting certificates issued from the treasury Office, on liquidated debts;

Resolved, That the Superintendent of finance be, and he is hereby directed to report to Congress, the form of a con-

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 369. Gamble's memorial is in No. 41, III, folio 511. A petition of Gamble is in No. 59, III, folio 231.

cise power of attorney, to be used by the respective holders in transferring such certificates, and also the mode of executing such power, both within and without the jurisdiction of the United States.¹

That on the 27th of April, 1776, M^r William Palfrey was appointed Pay Master Gen^l the salary at that time being 100 dollars per month.

On the 9th of July, 1776, M^r Palfrey, the Paymaster Gen^l obtained the rank of Lieut Co^l: On the 20th of Augst 1777, the salary of the Pay Master General was raised to 150 dollars per month, and on the 6th of May, 1778, it was farther increased to 250 dollars. On the 15th of Nov^r, 1780, Congress was pleased to resolve that "the Board of Treasury take immediate measures for settling the accounts of W^m Palfrey late Pay Master Gen^l and that in adjusting his accounts an allowance be made for his *pay and subsistence* at the rate fixed by Congress before the 1st of Sept^r, 1777, on the principle established in the resolution of that day," By which resolve M^r Palfrey must have rec^d the pay of 150 dollars per month beside the subsistence and other allowances which are made to a Lieut Colonel.

On the 17th of Jan^y, 1781, M^r John Pierce was appointed Pay Master Gen^l, no mention being made ~~at that time~~ of Pay. Ever since that time M^r Pierce has continued in the faithful discharge of his Office which by a subsequent Act of Congress was rendered more ~~hazardous and~~ responsible. In the course of the present year he was further appointed to settle the Accounts of the Army, and to issue certificates for the balances due them, which is a very difficult as well as a very confidential ~~trust and~~ duty. Upon which your Committee submit the following Resolve:

Resolved, That in settling the accounts of Mr. John Pierce, the paymaster general he be allowed at the rate of one hundred and fifty dollars per month, besides the rations ~~and other emoluments of~~ that are drawn by a lieutenant colonel.

The committee further reported, that Mr. Pierce be allowed, in consideration of his additional services in settling

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 471. See *ante*, August 5, 1783.

the accounts of the army, at the rate of one hundred dollars per month, while employed in that service.¹

On the question to agree to this, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	no	} no	Mr. Beatty,	no	} no
Blanchard,	no		Dick,	no	
<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	no	} no	Mr. Mifflin,	no	} no
Partridge,	no		Montgomery,	no	
<i>Rhode Island,</i>			Hand,	ay	
Mr. Ellery,	ay	} div.	<i>Maryland,</i>		
Howell,	no		Mr. McHenry,	no	} no
<i>Connecticut,</i>			Stone,	no	
Mr. Sherman,	no	} no	<i>Virginia,</i>		
Wadsworth,	no		Mr. Jefferson,	no	} div.
<i>New York,</i>			Mercer,	ay	
Mr. De Witt,	no	} no	<i>South Carolina,</i>		
Paine,	no		Mr. Read,	ay	} ay
			Beresford,	ay	

So it passed in the negative.

The committee [Mr. Ephraim Paine, Mr. James Monroe and Mr. Jeremiah Townley Chase] to whom was referred the memorial of James Gamble (setting forth that he has been an officer in the line and staff of the Army for near eight years and praying for a speedy settlement of his accounts and for rank and emoluments) beg leave to report that in the opinion of your Committee Congress has established sufficient boards for adjusting and settling his accounts; therefore Congress need not take order thereon.

That as the memorialist has not mentioned what rank he held in the Army neither are your committee informed of his merits. Your Committee are therefore inadequate to give an opinion whether he ought to be promoted or not.²

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folio 181.

² This report, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 19, II, folio 371. The indorsement states that it was read on this day.

The Committee [Mr. Hugh Williamson, Mr. Edward Hand and Mr. David Howell] to whom was refered the memorial of M^r Jacob Weiss, j^r, stating that while he was Deputy Quarter Master General he was appointed to take the charge of receiving and delivering the Quarter Master's stores in Camp, and was afterwards appointed to the charge of issuing cloathing to many persons employed in the quarter master's Department and in consequence of having discharged those duties requesting that other or greater pay may be allowed him than what he was entitled to as Deputy Quarter Master General submit the following resolve.

That the request of the Memorialist cannot be granted.¹

FRIDAY, APRIL 16, 1784.

Congress assembled: Present, eleven states as yesterday.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Hugh] Williamson and Mr. [David] Howell, to whom was referred a motion of Mr. [Edward] Hand,

Resolved, That the commissioners for treating with the Indian nations be informed that as Congress are desirous of having that important business effected with the utmost dispatch and at as little expence as possible, the fifth article of their instructions so far as it enjoins the holding of separate and distinct treaties with the several nations is dispensed with, and that they the said commissioners are hereby authorised to treat with the said several nations of Indians collectively or at different times and places as they shall find most conducive to the Interest of the United States.²

The committee, consisting of Mr. [Hugh] Williamson, Mr. [Arthur] Lee and Mr. [Jacob] Read, to whom was referred a

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 527. The indorsement states that it was read on this day. See *ante*, March 27, 1784.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 30, folio 217.

This resolution was also entered in the manuscript Secret (Domestic) Journal.

letter of the 7, from the hon^{b^{le}}. the minister plenipotentiary of France, relative to the late Baron de Kalb, and Colonel Radiere, and to Lieutenant-Colonels Fleury and Gimat, having reported thereon;

The Committee [Mr. Hugh Williamson, Mr. Arthur Lee and Mr. Jacob Read] to whom was referred a letter of the 7th Inst. from the Minister of France to the President of Congress submit the following Resolve,

That the acts of the 22nd Jany. and the 3rd of February last in favour of certain foreign officers be extended to Lieut. Col. Fleury and Gimat, and that the Superintendent of Finance cause the accounts of the Baron de Kalb who was killed in the service of the U. S. and those of Col. Radier who dyed in their service to be settled with all convenient despatch.¹

Resolved, That the said report be referred to the Superintendent of finance to take order.

The minister plenipotentiary of France, having on the 6th transmitted to Congress a Letter, dated 13th August, 1783, from His Most Christian Majesty, in answer to their Letter of the 14th June, 1779, and accompanied the same with a Memorial informing Congress, that the portraits of the King and Queen are arrived at Philadelphia; that he has orders to present them to this assembly, and has taken the measures necessary for their safe keeping until Congress shall be ready to receive them; the said letter and memorial were referred to the consideration of a Committee.²

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson and Mr. [Jacob] Read, to whom were referred a letter of the 13 of August, from his

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 359.

² This paragraph was entered only in the manuscript Secret Journal, Foreign Affairs.

Most Christian Majesty, and a memorial from the hon^{ble}. the minister plenipotentiary of France;

Resolved, That the following letter be signed by the President, in behalf of the United States in Congress assembled, and transmitted to his Most Christian Majesty, in answer to his letter accompanying the portraits of his Majesty and of his royal Consort, which he has been pleased to present to Congress.

Very Great, faithful and ~~most~~ beloved Friend and Ally:

Your Majesty's letter of the 13 of August last has been received by the United States in Congress assembled with a degree of satisfaction and pleasure, which those only can conceive who to the highest sentiments of respect unite feelings of the most affectionate friendship.

The portraits of your Majesty and of your royal Consort having arrived at Philadelphia, have been carefully preserved by your faithful Minister, the Chevalier de la Luzerne, whose attention on this as on all other occasions merits the ~~particular~~ acknowledgments of Congress.

These lively ~~emblems~~ representations of our ~~best~~ august and most beloved friends will ~~have the most honorable place~~ be placed in our Council Chamber and can never fail of exciting in the mind of every patriotic American an admiration of ~~and the warmest desire of imitating~~ the distinguished virtues and accomplishments of the royal originals.

We beseech the Supreme Ruler of the Universe constantly to keep ~~you both~~ your Majesty and your royal Consort in his holy protection and ~~long~~ to render the blessings of your Majesty's administration as extensive as the objects of your Majesty's benevolent principles.

Done at Annapolis in the State of Maryland this 16 day of April, 1784, by the United States in Congress assembled.

YOUR FAITHFUL FRIENDS AND ALLIES.

Resolved, That the President inform the honorable the minister of France, that Congress have a due sense of the care

which he has taken for preserving the portraits, and are desirous that they may continue in his possession until proper places can be provided for them.

That a letter be addressed by the President to the Supreme executives of the several states, informing them of the intelligence communicated by the Minister of France, to wit, "That his most Christian Majesty has determined that L'Orient shall be a free port, and although the edict is not published, may be so considered by the citizens of the United States. And that the merchants of the United States likewise enjoy the liberty of frequenting the ports of Marseilles and Dunkirk, and participate, as other nations, [in] the franchises and privileges of these two places."

That the minister of France, in answer to his letter of the 9 instant, requesting to know what measures had been taken by the United States, relative to the payments of the portions of the principal and interest of the loan of eighteen million livres, furnished by his Most Christian Majesty, and also of five million florins supplied in Holland, and guaranteed by his Majesty, be informed, that as all the legislatures have not yet passed on the recommendations of Congress of the 18 April, 1783, for establishing permanent funds, supplementary requisitions on the states will be adopted to provide for the interest of the loans aforesaid for the present year, and that the greatest care will be taken by subsequent measures for the punctual payment of the principal and interest, as they may respectively become due, according to the terms of the several contracts.¹

¹ The report and draft of the letter, in the writing of Elbridge Gerry, are in the *Papers of the Continental Congress*, No. 25, II, folio 355. The words lined out are so in the report and not in the Journal. The report was entered also in the Secret Journal, Foreign Affairs.

On a report from the late Secretary at War, to whom was referred a petition from several officers of the Pennsylvania line;

Some of the officers of the Pennsylvania line who have returned from South Carolina at their own expence, have been compensated. I see no reason why Col. Craig and others whose petition has been referred to me should be deprived of that benefit.

I therefore submit to the consideration of Congress the propriety of passing the following resolve—

Resolved, That the Secretary in the War Office be, and he is hereby directed to issue warrants on the paymaster general, in favor of Colonel Craig, Lieutenant Stricker, Captain Seely, Lieutenant Thornbury and Captain Claypoole, for a like sum that has been allowed to other officers of the Pennsylvania line, to refund their expences in returning from South Carolina.¹

On the report of a committee, consisting of Mr. [Samuel] Hardy, Mr. [George] Partridge and Mr. [Jeremiah Townley] Chase, to whom was referred a memorial of Robert Patton;

The Committee to whom was referred the petition of Robert Patten for an encrease of his wages as Doorkeeper, Report.

Resolved, That the sum of ten dollars per month be allowed to Robert Patton, messenger, in addition to his salary, from the 12 of November last, until the ~~first of April~~ 26 day of May next.²

The committee, consisting of Mr. [Hugh] Williamson, Mr. [George] Partridge and Mr. [Arthur] Lee, to whom was referred a letter of February 5, from Brigadier General Hazen, having reported,

¹ This report, in the form of a letter from Benjamin Lincoln, is in the *Papers of the Continental Congress*, No. 149, III, folio 249.

² This report, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 19, V, folio 49. The words lined out are so in the report and not in the Journal. Patton's memorial is in No. 41, VIII, folio 120.

The Committee to whom was referred a letter from Brig^d General Hazen of the 5th Feby. to the President of Congress alledging that for some time he had the command, and has been subject to the expence of a Brig^d Gen^l and requesting that in settling his accts. he may be allowed the emoluments or pay of a Brig^d Genl. in the line, beg leave to report,

That by a resolution of Congress on the 29th of June, 1781, General Hazen obtained the rank of Brigadier General by Brevet, which rank he continued to hold when the late reductions were made in the Army.

That on the 10th of September, 1783, Congress were pleased to direct that the Paymaster General be informed that Brevet Commissions do not entitle to pay or emoluments unless the same be expressed in the Resolution granting such commission, which instruction seems to be in perfect conformity with a former act of the 30th of April, 1778.

The Committee further observe, that by an act of the 15th of Dec., 1781, ~~major Edward Giles, a brevet officer,~~ a particular officer who was a Major by Brevet was allowed the pay and subsistence of a Major while in actual service, on which your Committee submit the following resolve.

“That in settling the accounts of Brigadier General Moses Hazen, he be allowed the pay and subsistance of a brigadier general in the line of the army, so long as he may have commanded a brigade, and not longer.”¹

A motion was made by Mr. [George] Partridge, seconded by Mr. [Richard] Beresford, to strike out “subsistance,” and in lieu thereof insert “emoluments;” and to strike out what follows “brigadier general,” and in lieu thereof insert, “from the date of his brevet commission as brigadier:” And on the question to agree to this amendment, the yeas and nays being required by Mr. [Hugh] Williamson,

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 105.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Partridge,	ay		Mr. McHenry,	ay	} ay
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Hardy,	ay	} ay
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	no	} no	<i>North Carolina,</i>		
Wadsworth,	no		Mr. Williamson,	no	} no
<i>New York,</i>			Spaight,	no	
Mr. De Witt,	no	} no	<i>South Carolina,</i>		
Paine,	no		Mr. Read,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	
Mr. Dick,	no	} *			

So the question was lost.

The question being then put, to agree to the report of the committee, was also lost.

[Motion of Mr. Hugh Williamson]

That the amount of subsistence continued to be advanced to certain Canadian officers in consequence of the Act of the 9th of August last after the reduction of the Corps to which they respectively belonged shall be passed to their debit in settling their amount of pay or half pay, and that no farther advances be made to any officer above the rank of a Captain.¹

¹ This motion, undated, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 557.

On this day, as the indorsement states, was read a letter, dated March 30, 1784, from the Governor of Massachusetts and referred to Mr. [John] Beatty, Mr. [Jacob] Read and Mr. [Edward] Hand. It is in No. 65, II, folio 243. Committee Book, No. 186, says that the committee reported May 11. See *post*, May 17, the list of reports to be referred to the Committee of the States.

MONDAY, APRIL 19, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the State of New Jersey, Mr. [Samuel] Dick.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Roger] Sherman and Mr. [Arthur] Lee, to whom was referred a motion of Mr. [Elbridge] Gerry;

Resolved, That the legislatures of the several states be informed, that whilst they are respectively represented in Congress by two delegates only, such an unanimity for conducting the most important public concerns is necessary as can be rarely expected. That if each of the thirteen states should be represented by two members, five out of twenty-six, being only a fifth of the whole, may negative any measure requiring the voice of nine states: that of eleven states now on the floor of Congress, nine being represented by only two members from each, it is in the power of three out of twenty-five, making only one-eighth of the whole, to negative such a measure, notwithstanding that by the Articles of Confederation, the dissent of five out of thirteen being more than one-third of the number, is necessary for such a negative. That in a representation of three members from each State, not less than ten of thirty-nine could so negative a matter requiring the voice of nine states: that from facts under the observation of Congress they are clearly convinced, that a representation of two members from the several States, is extremely injurious by producing delays, and for this reason is likewise much more expensive than a general representation of three members from each State: that therefore Congress conceive it to be indispensably necessary, and earnestly recommend, that each State, at all times when Congress are sitting, be hereafter represented by three

members at least; as the most injurious consequences may be expected from the want of such representation.¹

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [John] Beatty and Mr. [Abiel] Foster, to whom was referred a letter of 21 January, from the Superintendent of finance, relative to an account of Tench Francis;

The Committee consisting of M^r [William] Ellery, M^r [John] Beatty, and M^r [Abiel] Foster to whom was referred a letter from the Superintendent of Finance of the 21st January, 1784, relative to an account of Tench Francis, Report,

That it appears from said letter that Tench Francis was employed in the year 1782 to go to Boston to superintend the bringing from thence the money brought by the Chevalier de Langle—That the business was by him performed with the greatest care and fidelity, and that he had not received any reward for his service.

That in counting the money there was an error of three hundred and sixty six crowns equal to four hundred and six dollars and sixty ninetieths and that M^r Francis gave a receipt for the whole sum on account of the United States.

Resolved, That the sum of four hundred and six dollars and sixty ninetieths of a dollar be passed to the credit of Tench Francis, in the treasury books, being the amount of an error in the receipt given by him, on account of the United States, for three hundred and sixty-six crowns more than he received.

That the Superintendent of finance report to Congress, a reasonable allowance for the time and expences of said T. Francis, while employed in the year 1782, in going to Boston, and superintending the bringing from thence the money imported by the Chevalier de Langle.²

Congress took into consideration the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jeremiah Townley]

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 185.

² This report, in the writing of Abiel Foster, is in the *Papers of the Continental Congress*, No. 19, II, folio 317.

Chase and Mr. [David] Howell, to whom was re-committed their report of a plan for a temporary government of the Western territory:

When a motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read, to strike out the following paragraph;

“That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty:” And on the question, shall the words moved to be struck out stand the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} no
Howell,	ay		Mr. Jefferson,	ay	
<i>Connecticut,</i>			Hardy,	no	
Mr. Sherman,	ay	} ay	Mercer,	no	
Wadsworth,	ay		<i>North Carolina,</i>		} div.
<i>New York,</i>			Mr. Williamson,	ay	
Mr. De Witt,	ay	} ay	Spaight,	no	
Paine,	ay		<i>South Carolina,</i>		} no
<i>New Jersey,</i>			Mr. Read,	no	
Mr. Dick,	ay	* }	Beresford,	no	

So the question was lost, and the words were struck out.

The Delegates of N. York inform Congress that the Legislature of s^d State at their last session passed the following resolutions, Viz.

“Resolved, That the Delegates of this State be and they are hereby instructed to Represent to the united States in Congress assembled that this State Deem it Essentially necessary to make Provision

to garrison their Posts immediately on the Evacuation thereof by the British troops; that therefore the Said Delegates request the united States in Congress assembled to Declare the number of troops which they may Deem necessary for Such garrisons, the Said Delegates at the same time informing the united States in Congress assembled that it is the opinion of this Legislature that a body of troops not Exceeding five hundred Rank and file properly officered would be adequate for the purposes aforesaid." Whereupon s^d delegates submit the following resolution—

Resolved, That the State of N. York be and it is hereby authorized to keep up and maintain at its own expence any body of troops not exceeding five hundred rank and file properly officered to garrison the forts necessary for the defence of s^d State.¹

TUESDAY, APRIL 20, 1784.

Congress assembled: Present as yesterday.

Congress resumed the consideration of the report of the committee on a temporary government of the western territory, and the following clause being under debate, viz. That they shall be subject to the government of the United States in Congress assembled, and to the articles of Confederation in all those cases in which the original States shall be so subject.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [William] Ellery, to strike out the words, "to the government of the United States in Congress assembled, and,"

¹ The motion, in the writing of David Howell and Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, II, folio 339. The indorsement states that it was made on this day, and postponed "till Congress shall have decided on the report respect the taking possession of western posts."

On this day, as the indorsement states, was read a letter of the 19th from Henry Remsen, Jr. It is in No. 78, XIX, folio 467.

Also, a letter of the 17th from Baron Steuben. It is in No. 164, folio 255.

And on the question, shall the words moved to be struck out stand the yeas and nays being required by Mr. [William] Ellery.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} ay
Partridge,	no		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	Chase,	ay	
Howell,	no		<i>Virginia,</i>		} no
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	no	} no	Hardy,	no	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} div.
Mr. De Witt,	ay	} div.	Mr. Williamson,	no	
Paine,	no		Spaight,	ay	
<i>New Jersey,</i>		} *	<i>South Carolina,</i>		} div.
Mr. Dick,	no		Mr. Read,	ay	
			Beresford,	no	

So the question was lost and the words were struck out.

In the clause, "provided the temporary and permanent governments be established on these principles, &c. a motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, to strike out the words, "temporary and:" And on the question, shall those words stand the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	ay	} ay	Mr. Sherman,	ay	} ay
Blanchard,	ay		Wadsworth,	ay	
<i>Massachusetts,</i>			<i>New York,</i>		} ay
Mr. Gerry,	ay	} ay	Mr. De Witt,	ay	
Partridge,	ay		Paine,	ay	
<i>Rhode Island,</i>		} ay	<i>New Jersey,</i>		} *
Mr. Ellery,	ay		Mr. Dick,	ay	
Howell,	ay				

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} ay	Mr. Jefferson,	ay	} ay
Montgomery,	ay		Hardy,	ay	
Hand,	ay		Mercer,	ay	
<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. McHenry,	ay	} ay	Mr. Williamson,	no	} div.
Stone,	ay		Spaight,	ay	
Chase,	ay		<i>South Carolina,</i>		
			Mr. Read,	no	} div.
			Beresford,	ay	

So it was resolved in the affirmative.

In the following clause, "That their respective governments shall be republican, and shall admit no person to be a citizen who holds any hereditary title."

A motion was made by Mr. [Edward] Hand, seconded by Mr. [Jacob] Read, to strike out the words, "and shall admit no person to be a citizen who holds any hereditary title:" And on the question, shall those words stand the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Partridge,	ay		Mr. McHenry,	no	} no
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	ay	} ay	Chase,	no	
Howell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jefferson,	ay	} ay
Mr. Sherman,	no	} div.	Hardy,	ay	
Wadsworth,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	no	} no	Mr. Williamson,	no	} no
Paine,	no		Spaight,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Dick,	no	} *	Mr. Read,	no	} no
			Beresford,	no	

So the question was lost and the words were struck out.

In the following clause, "provided nine states agree to such admission, according to the reservation of the eleventh of the articles of Confederation;"

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to strike out the words, "nine States agree to," and the words, "the reservation of the eleventh of," and after "admission," to insert the word "be," so that it read, Provided such admission be according to the articles of Confederation: And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} no
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	no	} div.	Chase,	no	
Howell,	ay		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	no	} no	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} ay
Mr. De Witt,	ay	} div.	Mr. Williamson,	ay	
Paine,	no			Spaight,	ay
<i>New Jersey,</i>			<i>South Carolina,</i>		} ay
Mr. Dick,	no	} *	Mr. Read,	ay	
			Beresford,	ay	

So the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Elbridge] Gerry, to strike out the words, "nine states agree," and in lieu thereof insert "the consent of so many states in Congress is first obtained as may at the

time be competent," and then strike out what follows "admission." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	no	} div.	Chase,	no	
Howell,	ay		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	ay	} ay	Mercer,	ay	
Wadsworth,	ay		<i>North Carolina,</i>		} ay
<i>New York,</i>			Mr. Williamson,	ay	
Mr. De Witt,	ay	} div.	Spaight,	ay	
Paine,	no		<i>South Carolina,</i>		} ay
<i>New Jersey,</i>			Mr. Read,	ay	
Mr. Dick,	no	} *	Beresford,	ay	

So it was resolved in the affirmative.

The Committee consisting of [Mr. John Beatty, Mr. Edward Hand and Mr. William Ellery] to whom was referred a letter from the Superintendent of Finance of the 8th April enclosing a Memorial of Valentine Eckart and a letter from Jonth Burrel on the subject of it, report.

It appears to your Committee from the letter of the Commissioner. That in the adjustment of M^r: Eckarts accounts he has pursued the mode by him adopted and practised in all other cases, which have come within his Department, that in having liquidated the balance due to M^r: Eckarts agreeably to the scale of the State of Penn^a he has acted conformably to the rules established in other public offices which ought not in this instance to be departed from. That if any person has suffered by the injustice ~~has arisen~~ in these contracts made by M^r: Eckarts it must be the Individual who furnished the supplies and not the officer who bought them whereupon Resolved.

That the request contained in said memorial cannot be granted.

Resolved, That for the future, the Commissioner in liquidating the accounts of his department adopt the scale of the State, in which the business was transacted; as the measure of depreciation as well in ballances due from, as to the U. S.¹

[Motion of M^r David Howell respecting Weiss, April 20, 1784.

Referred to M^r David Howell, M^r Edward Hand, M^r William Ellery.]

As it appears to Congress that John Weis enlisted in the spring of 1777 Drum Major to the 1st Rhode Island Regiment commanded by Colonel Christopher Greene—that on the 1st of October following he was appointed Provost Marshal to part of the army then lying on the Hudson by the orders of General Putnam—that after the junction of the main army with that under the command of General Gates at the White Plains in 1778 he continued to serve with fidelity as Provost Marshall to the whole army until March 1780 when he resigned, and that he has received depreciation in his wages only to the 1st of October, 1777.

Resolved, That it be recommended to the State of Rhode Island and Providence Plantations, to make good the depreciation on the pay of John Weis sometime Drum Major in the 1st Rhode Island Regiment and afterwards Provost Marshall to the army from the 1st of October 1777 to the 1st March 1780, ~~and charge the same to the U. States.~~²

[M^r James McHenry's Motion respecting Invalids.]

That it be recommended to the several states to make provision in the manner following for such of their citizens as served in ~~their respective lines in~~ the Army of the U. S. in the Navy of the U. S. or in the militia in the service of the U. S. and have been disabled by wounds or otherwise so as to be ~~have been rendered~~ incapable of military service or of obtaining a livelihood.

That all invalids of the aforesaid description and capable of garrison duty may be formed into corps by the State of which they are citizens, and employed by said State in securing the police of

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, II, folio 195. The indorsement states that it was delivered and read this day. Eckert's memorial is in No. 41, III, folio 125. The letter of the Superintendent of Finance is in No. 137, III, folio 495.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 19, VI, folio 517.

its towns or cities, in guarding military stores or prisons ~~or in the repair of the public roads.~~

That no officer, soldier or seamen be considered as an invalid or entitled to pay unless he can produce a certificate or document from the commanding officer ~~or the surgeon~~ of the regiment company or corps or Surgeon of the regiment or corps in which he served, or from a physician or surgeon of a military hospital or other good and sufficient Testimony setting forth his ~~discharge or~~ inability and that he was thus disable while in the public service.

That each State institute a mode of ascertaining whether the person producing a document or certificate setting forth that he is an Invalid be such in fact and if such ~~really one, and if one~~ to what pay entitled: and thereupon the persons appointed to make such enquiry shall ~~make out for him or them a certificate~~ shall give a Certificate to the Invalid and transmit a counterpart of same to the Person who shall ~~to the person or persons~~ to be appointed by the State to receive and record the same; ~~and when it appears by said inquisition that a certificate has been obtained by any invalid and lost, that in this case the said persons are authorized to make out a certificate and to sign the same.~~

That where invalids shall be formed into corps there be quarterly returns (comprehending age, wound or disability, regiment, corps or ship to which they belonged) made out and signed by their commanding officer, and transmitted as aforesaid, that their pay may be ordered agreeably to said return.

That all invalids as well those formed into corps as those who are not, shall annually apply themselves to a magistrate of the county where they reside or are stationed, and make the following affidavit, viz.

Came before me one of the justices for the County of _____ and made oath that he was examined by _____ appointed by the state or commonwealth for that purpose—obtained a certificate—or had his certificate examined and countersigned—setting forth that he had served in _____ received a wound in _____ or was disabled by, _____ and that he now lives in the _____ county of _____

That the affidavit drawn according to the above form, and dated and attested by a magistrate be sent by said magistrate to the person or persons appointed by the State to received and record the same; and that counterparts of said affidavits be preserved by the invalids

to be exhibited to such persons as shall be appointed by the State to pay them.

That a general return of the number of invalids organized into corps or otherwise, comprehending age, wound regiment &c. be made out within one year after the State shall pass a law for the aforesaid purposes and be transmitted to the superintendant of finance, or other person appointed by Congress to receive the same.

~~That in no case whatever shall any State allow to its invalids a sum exceeding full pay, nor shall grant full pay except in cases of extreme inability.~~

[That no Officer who has accepted his Commutation for half Pay shall be permitted to come on the List of Invalids unless he shall first return his Commutation.

That no private soldier or non commissioned officer shall in any Case be allowed more than five Doll^{rs} p^r month no shall any commissioned Officer be allowed more than the half Pay of his former whole Pay.]

That each State shall have credit in its yearly payments to the U. S. for such sum or sums as may be yearly advanced.¹

WEDNESDAY, APRIL 21, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

Congress resumed the consideration of the report on the plan of a temporary government of the Western territory.

And on the following clause, "That the settlers on any territory so purchased and offered for sale shall, either on

¹ This motion, in the writing of James McHenry, except the paragraph in brackets, which is in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 22, folio 245. The indorsement states that it was referred on this day to Mr. [James] McHenry, Mr. [Samuel] Dick and Mr. [Hugh] Williamson. See *post*, June 7, 1785.

On this day, as the indorsement indicates, was read a letter of April 16, 1784 from Thomas Hutchins. It is in No. 60, folio 173.

Also, a letter of April 13 from the Superintendent of Finance, which was referred to Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [John Francis] Mercer. It is in No. 137, III, folio 507. Committee Book, No. 186, says the committee reported May 5.

their own petition or on the order of Congress, receive authority from them with appointment of time and place, for their free males of full age within the limits of their state, to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states."

A motion was made by Mr. [Ellbridge] Gerry, seconded by Mr. [Thomas] Jefferson, to strike out the first part of the said clause as far as to the words "full age," inclusive, and in lieu thereof to insert,

That on the petition of the settlers on any territory so purchased of the Indians, or otherwise obtained and sold to individuals, or on the order of Congress, authority may be given by Congress with appointment of time and place, for all free males of full age, being citizens of the United States, and owning lands or residing.

And on the question to agree to this amendment, the yeas and nays being required by Mr. ~~Gerry~~ [John] Montgomery,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} div.	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} div.	<i>Maryland,</i>		} ay
Partridge,	no		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	Chase,	no	
Howell,	no		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	ay	} div.	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} div.
Mr. De Witt,	no	} div.	Mr. Williamson,	ay	
Paine,	ay		Spaight,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		} ay
Mr. Beatty,	no	} no	Mr. Read,	ay	
Dick,	no		Beresford,	ay	

So the question was lost.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] Jefferson, to amend the report by inserting immediately after the ~~fourth~~ principle or condition, "that the respective governments shall be republican," the following:

That the lands and improvements thereon of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Montgomery, to amend the amendment by striking out the words, "and improvements thereon:" And on the question shall those words stand the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	no	}	no	Mr. Mifflin,	ay	}	ay
Blanchard,	no			Montgomery,	no		
<i>Massachusetts,</i>				Hand,	ay		
Mr. Gerry,	ay	}	ay	<i>Maryland,</i>		}	ay
Partridge,	ay			Mr. McHenry,	ay		
<i>Rhode Island,</i>				Stone,	no		
Mr. Ellery,	no	}	no	Chase,	ay		
Howell,	no			<i>Virginia,</i>		Mr. Jefferson,	ay
<i>Connecticut,</i>				Hardy,	ay		
Mr. Sherman,	no	}	no	Mercer,	ay		
Wadsworth,	no			<i>North Carolina,</i>		Mr. Williamson,	ay
<i>New York,</i>				Spaight,	ay		
Mr. De Witt,	ay	}	ay	<i>South Carolina,</i>		}	div.
Paine,	ay			Mr. Read,	ay		
<i>New Jersey,</i>				Beresford,	no		
Mr. Beatty,	no	}	no				
Dick,	no						

So the question was lost, and the words were struck out.

A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to amend the amendment further,

by striking out the words, "before the admission thereof to a vote by its delegates in Congress:" And on the question, shall those words stand the yeas and nays being required by Mr. [George] Partridge,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	no	}	no	Mr. Mifflin,	ay	}	ay
Blanchard,	no			Montgomery,	no		
<i>Massachusetts,</i>				Hand,	ay		
Mr. Gerry,	ay	}	ay	<i>Maryland,</i>		}	ay
Partridge,	ay			Mr. McHenry,	ay		
<i>Rhode Island,</i>				Stone,	ay		
Mr. Ellery,	no	}	no	Chase,	ay		
Howell,	no			<i>Virginia,</i>		Mr. Jefferson,	ay
<i>Connecticut,</i>				Hardy,	ay		
Mr. Sherman,	ay	}	div.	Mercer,	ay		
Wadsworth,	no			<i>North Carolina,</i>		Mr. Williamson,	ay
<i>New York,</i>				Spaight,	ay		
Mr. De Witt,	ay	}	ay	<i>South Carolina,</i>		}	ay
Paine,	ay			Mr. Read,	ay		
<i>New Jersey,</i>				Beresford,	ay		

So it was resolved in the affirmative.

On the question to agree to the amendment as amended, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>				<i>New York,</i>			
Mr. Foster,	no	}	no	Mr. De Witt,	ay	}	ay
Blanchard,	no			Paine,	ay		
<i>Massachusetts,</i>				<i>New Jersey,</i>		}	ay
Mr. Gerry,	ay	}	ay	Mr. Beatty,	ay		
Partridge,	ay			Dick,	ay		
<i>Rhode Island,</i>				<i>Pennsylvania,</i>		}	ay
Mr. Ellery,	no	}	no	Mr. Mifflin,	ay		
Howell,	no			Montgomery,	no		
<i>Connecticut,</i>				Hand,	ay		
Mr. Sherman,	ay	}	div.				
Wadsworth,	no						

<i>Maryland,</i>				<i>North Carolina,</i>		
Mr. McHenry,	ay	}	ay	Mr. Williamson,	ay	}
Stone,	ay			Spaight,	ay	
Chase,	ay			<i>South Carolina,</i>		
<i>Virginia,</i>				Mr. Read,	ay	}
Mr. Jefferson,	ay	}	ay	Beresford,	no	
Hardy,	ay					
Mercer,	ay					

So it was resolved in the affirmative, to amend the report by inserting,

That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

A motion was then made by Mr. ~~McHenry~~ [Jacob] Read, seconded by Mr. ~~Read~~ [James] McHenry, to amend the report further, by adding thereto,

That till such time as the settlers aforesaid shall have adopted the constitution and laws of some one of the Original states as aforesaid, for a temporary government, the said settlers shall be ruled by magistrates to be appointed by the United States in Congress assembled, and under such laws and regulations as the United States in Congress assembled shall direct.

On the question to agree to this amendment, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>				<i>Connecticut,</i>		
Mr. Foster,	no	}	div.	Mr. Sherman,	no	}
Blanchard,	ay			Wadsworth,	no	
<i>Massachusetts,</i>				<i>New York,</i>		
Mr. Gerry,	ay	}	ay	Mr. De Witt,	ay	}
Partridge,	ay			Paine,	no	
<i>Rhode Island,</i>				<i>New Jersey,</i>		
Mr. Ellery,	no	}	div.	Mr. Dick,	ay	}
Howell,	ay					

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} ay	Mr. Jefferson,	ay	} ay
Montgomery,	ay		Hardy,	ay	
Hand,	ay		Mercer,	ay	
<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. McHenry,	ay	} ay	Mr. Williamson,	ay	} ay
Stone,	ay		Spaight,	ay	
Chase,	ay			<i>South Carolina,</i>	
			Mr. Read,	ay	} ay
			Beresford,	ay	

So the question was lost.

The Committee consisting of [Mr. John Beatty, Mr. Samuel Hardy and Mr. William Ellery] to whom was Referred a letter of the 1st November, 1783, from D^r Franklin enclosing an account and sundry papers from M^r Pierre du Calvet late a citizen of Montreal in Canada, have agreed to the following report.

That from a perusal of the papers referred to them they find, That upon the arrival of the American troops in Canada in '75 and during their subsequent operations there in '76, M^r Du Calvet, then a merchant at Montreal, sold and delivered at different times, as expressed particularly in his account from N^o 1 to 6 inclusive, to the orders of Generals Robt [Richard] Montgomery, David Wooster, Ben: Arnold and Moses Hazen, goods and merchandize to the amount of 31948 Livres 12 S. 5 D. equal to Dollars; taking their receipts and promissory notes for payment—That he also furnished our generals and other officers with goods and merchandize to the amount of L24,445.17.8 equal to dollars and received in payment therefore Continental paper of our first emission, which he still holds, that in consequence of their services and his known attachment to the American Cause; on the 27th Sept., '80, his property was seized his person arrested by order of the Governor of Quebec and imprisoned on board an armed vessel for 58 days from thence he was carried to the common prison, where he remained under a rigorous and close confinement until the 2^d Day of May, '83, That during this period, and after his liberation he frequently solicited permission of General Haldemand to come within the U. S. to recover the monies due him, but finding he could not obtain that indulgence, he sailed for London in August and arrived at Paris in October. That having

grown old, much broken and weakened by near three years imprisonment, and not daring to cross the water again he had produced his several accounts and vouchers, together with the paper emission to D^r Franklin, for liquidation and payment. Your Committee therefore submit the following resolutions.

Resolved, That the U. S. are bound in honour and in justice to indemnify M^r Du Calvet for the amount of the goods and merchandize by him furnished the American army, by order of our generals to their commanding officers while in Canada and that D^r Franklin be requested to forward to the Comptroller of the U. S. for liquidation, the several papers and vouchers in support of said account, first causing duplicates of them to be taken, which being attested by himself and delivered M^r Du Calvet deemed by the U. S. as valid as the originals might or could have been, in case the latter should by accident or otherways be lost, and the Comptroller is hereby directed upon receipt of said papers to cause the account to be speedily adjusted and certificates to be issued bearing an interest of 6 per cent. from the time of their becoming due M^r Calvets right to demand payment accrued for the payment of the amount which shall appear to be due him at such early and convenient times as the Finances of the U. S. will admit.

Resolved, That as the depreciation of the paper currency arose from the exigency of the war and not from any act of Congress, and inasmuch as it has been equally injurious, to our own citizens, as to foreigners, and no compensation having been made to the former, for the losses they have sustained thereby, M. Du. Calvet be informed, the U. S. cannot with justice, discriminate between him and any other class or description of men, but that the same measure of depreciation, will be extended to him as to the citizens of these States.¹

The Committee of the week [Mr. Thomas Stone, Mr. John Francis Mercer and Mr. James Wadsworth] report That the petition of Thomas Sudle of Somerset County in the State of Maryland, setting forth that he was plundered of Continental Certificates to the amount of two thousand, three hundred dollars among other property by the

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, II, folio 121. The indorsement states that it was read this day, and "September 6, 1785, the report filed and the papers to which it refers committed to the Treasury."

crew of an English barge, and praying that they be renewed or some other relief afforded, be committed.

That the pet^r of Nathaniel Greenwood praying that an order may issue for payment of his wages while he was a prisoner and while he served under Capt Allen be referred to a Committee.¹

The Committee of the week [Mr. Edward Hand, Mr. Thomas Stone, and Mr. Ephraim Paine] to whom this memorial [of De Marcellin and Le Roy] was referred report that it be read in Congress.²

[Motion of M^r David Howell, Referred to M^r David Howell, M^r Roger Sherman, M^r Samuel Hardy.]

Resolved, That the Commissioner for settling the accounts of the State of Rhode Island and Providence Plantations with the U. S. be directed to adjust and finally settle the accounts of Colonel Josiah Flagg late Commissary, and of which [*sic*] Flagg Junior late Conductor of Military and Ordnance stores in said state.³

THURSDAY, APRIL 22, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, Virginia, North Carolina and South Carolina; and from the State of Maryland, Mr. [Thomas] Stone.

The committee, consisting of Mr. [Roger] Sherman, Mr. [William] Ellery and Mr. [George] Partridge, to whom was referred a letter of 17, from Baron Steuben, relative to Lieutenant-Colonel Ternant, report, that upon a perusal

¹ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 32, folio 557. It is undated but doubtless belongs to this period.

² This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 41, VI, folio 330. It is undated, but must have been presented on this or an approximate date. The memorial is on folio 327, is dated April 14, was read in Congress May 15 and referred to Mr. [Edward] Hand, Mr. [Thomas] Stone and Mr. [Ephraim] Paine. See *post*, May 15.

³ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 345.

of the said letter, the report of the Secretary at War of May last, and other papers relative to the rank and services of Lieutenant-Colonel Ternant, they are of opinion that the various and important offices intrusted to him, have been executed in a manner honorable to himself, and highly beneficial to the United States, and that he was justly intitled to the commission of a lieutenant colonel commandant upon the promotion of General Armand; Whereupon,

Resolved, That the commission of colonel in the legionary corps, to which he was attached, be granted to Lieutenant-Colonel Ternant, to bear date from the promotion of General Armand.

Resolved, That as the command of the legion did not devolve on Colonel Ternant upon the promotion of General Armand, he be not entitled to any other pay or commutation than that to which he was intitled as lieutenant colonel in the said corps.¹

Congress resumed the consideration of the report of the grand committee, appointed to prepare and report to Congress, the arrears of interest, &c. when a motion was made by Mr. [Edward] Hand, seconded by Mr. [Thomas] Jefferson, to amend by inserting "commutation to the army agreeable to the act of 22 March, 1783, 5,000,000, interest thereon, 300,000," immediately before "total:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand,

¹ This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 19, V, folio 531. Steuben's letter is in No. 164, folio 258. This resolution was also entered in the manuscript Secret (Domestic) Journal.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Partridge,	no	} *	<i>Maryland,</i>		} *
<i>Rhode Island,</i>				Mr. Stone,	
Mr. Ellery,	no	} no	<i>Virginia,</i>		} ay
Howell,	no		Mr. Jefferson,	ay	
<i>Connecticut,</i>			Hardy,	ay	
Mr. Sherman,	no	} no	Mercer,	no	
Wadsworth,	no		<i>North Carolina,</i>		} ay
<i>New York,</i>			Mr. Williamson,	ay	
Mr. De Witt,	ay	} ay	Spaight,	ay	
Paine,	ay		<i>South Carolina,</i>		} ay
<i>New Jersey,</i>			Mr. Read,	ay	
Mr. Beatty,	ay	} ay	Beresford,	ay	
Dick,	ay				

So the question was lost.

A motion was then made by Mr. [Roger] Sherman, seconded by Mr. [James] Wadsworth, to strike out the four last items in the statement from "1784. Dec^r 31. Loan-office debt" to "army debt," etc. both inclusive: And on the question, shall that part of the report stand the yeas and nays being required by Mr. [Edward] Hand,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	no	} no	Mr. De Witt,	no	} div.
Blanchard,	no		Paine,	ay	
<i>Massachusetts,</i>		} *	<i>New Jersey,</i>		} no
Mr. Partridge,	no		Mr. Beatty,	no	
<i>Rhode Island,</i>			Dick,	no	
Mr. Ellery,	no	} no	<i>Pennsylvania,</i>		} ay
Howell,	no		Mr. Mifflin,	ay	
<i>Connecticut,</i>			Montgomery,	no	
Mr. Sherman,	no	} no	Hand,	ay	
Wadsworth,	no				

<i>Maryland,</i>	no	}	*	<i>North Carolina,</i>	ay	}	ay
Mr. Stone,				Mr. Williamson,			
<i>Virginia,</i>	no	}	no	Spaight,			
Mr. Jefferson,				<i>South Carolina,</i>	ay	}	*
Hardy,				Mr. Read,			
Mercer,							

So the question was lost, and that part of the report was struck out.

Ordered, That the farther consideration of the report be postponed till to-morrow.

On the report of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [William] Ellery,

The Committee consisting of M^r [Samuel] Osgood, M^r [Arthur] Lee and M^r [William] Ellery to whom was referred the Report on the letter of W^m Williams of the 1st of November, 1783, enclosing an Address from the House of Representatives of the State of Connecticut of the same date and signed by himself as Speaker,

Report, That the following letter be signed by the President of Congress and forwarded to the Speaker aforesaid in answer to the above Address—

ANNAPOLIS *March 1784*

SIR,

Congress have received your Letter of Nov. 1st 1783 enclosing an Address from the House of Representatives of the State of Connecticut setting forth that in the Statement of the public debt accompanying the Recommendations and Address of Congress of the 18th

of April last, they observe a charge of five millions of Dollars as due to the Officers of the Army granted them by Congress in exchange for half Pay for life.

That they are not satisfied that half pay for life or five years' full pay in lieu thereof, are warranted by the Articles of Confederation, or that the power to make such grant was ever delegated to Congress.

That it is considered as an unnecessary exercise if not an unwarrantable stretch of Power; and that they cannot reconcile it to Principles of Justice, more especially as it respects the Officers of that State.

~~That the Pay of the Officers was fixed by Congress at a Rate fully proportionate to that of the private Soldiers. That neither have~~

This draught debated 22 April 1784. Question taken and negattved

~~been paid agreeably to the original Stipulation, which arose from an unavoidable Disability in the States, which Inconvenience has affected the Citizens as well as the Officers and Soldiers.~~

~~That seven years half Pay was granted to quiet the Uneasiness of the Army, notwithstanding which they soon after appear to be upon the Point of quitting the Service. A Reform of the Army was Judged necessary on account of the great Number of Supernumerary Officers, and half Pay for Life was extended to those who should be deranged on account of such Reform. This seems to imply an Inconsistence. That it does not appear from the Resolve of Congress that the half Pay for Life was designed to supply the Deficiency of Wages arising from Depreciation; but they can find no other probable Cause.~~

~~That they therefore call the attention of Congress to their Recommendation to the States to settle the Accounts of their respective Line of the Army and to make up the Deficiency of their Pay on account of the Depreciation.~~

~~That in Compliance therewith they have actually secured to their Officers and Soldiers the full of their Wages to the last of December, 1781; notwithstanding which Congress have proceeded to secure to their Line of the Army their Wages from the 1st of August, 1780. That the half Pay is considered as absorbed or as inuring to the State by the Settlement above referred to.~~

That on account of the above Considerations it seems impracticable to execute any measures for raising its Quota of the public Debt as stated; tho' they are not disposed to pass a negative on the *Requisition* of Congress, on the ground of its being unsupported by the Articles of Confederation as to the mode of Collection

That they most earnestly request the serious attention of Congress to this important subject and that they will take measures consistent with public faith and the principles of Justice to remove all causes of Jealousy and Complaint.

From the above Observations the following Questions naturally arise are suggested:

First. Whether The Congress that passed the Resolution of the 21st of October, 1780, were authorized and empowered to make the grant of half Pay for Life contained therein?

Second. If they were vested with³Power to make such a grant, whether it was necessary and expedient?

~~Third. Whether, under the Circumstances stated, it is consistent with the Principles of Justice to extend the Grant to the Officers of the State of Connecticut?~~

With Respect to the first Question, *it cannot be expected that the present Congress should be able to define the Powers under which the Delegates from the several states acted previously to the Confederation. The States themselves have not done it. They all gave general Powers to carry on the War and to oppose the then Enemy effectually.*

~~The Recommendations of Congress at that Time, of whatever nature they were, required the express approbation of the respective States to make them compleatly valid. In many other Instances, there appears to have been no express, but such a Kind of tacit Assent as among Nations has always been deemed equal to an express Ratification. Such were the Resolves for Establishing the monthly Wages and the Emoluments of the Army; and for emitting Paper Money.~~

The Resolution of Congress referred to, appears by the Yeas and Nays to have been pass'd, according to the then established Rules of that Body in transacting the Business of the United States. The Resolution itself had public Notoriety, and ~~was not~~ does not appear to have been formally objected against by the legislature of any State till after the Confederation was compleatly adopted, ~~nor till after the Close of the War.~~

By the 12th Article of the Confederation, all Debts contracted by or under the Authority of Congress, before the assembling of the United States in Pursuance of the present Confederation, shall be deemed and considered as a charge against the United States for the Payment of which the Faith of the United States is solemnly pledged.

~~Twelve States ratified, as far as depended on them, the Confederation, previously to the passing of the Resolution referred to: But can those States plead that, upon a fair Construction, they bound themselves only to pay those debts which were contracted previously to the Date of their individual Ratification; and that they are not bound to pay those which were contracted after that Period until the Time of the final Completion of the Confederation? Or, can it be urged by any State, that, not considering the Importance of their particular Act of Ratification at the time they pass'd it, they are not therefore responsible for all the Consequences that seem naturally to follow therefrom?~~

~~If this Construction could be supported upon the Principles of Reason and Justice (as an Obligation must exist somewhere) to discharge the Debts contracted in that intermediate Space of Time, The State which last ratified the Confederation would seem alone to be responsible therefor.~~

The Question is not whether Congress are vested by the Confederation with a Power to grant half Pay for Life. This need not be enquired into. It is, whether by the 12th Article of the Confederation, they can do otherwise than to acknowledge that a debt was created by the resolution of the 21st of Oct., 1780, Which Resolution was agreed to by persons, having Plenipotentiary powers from their respective States, to do whatever appeared to them necessary and expedient for opposing the then enemy effectually.

With respect to the expediency or necessity of the measure we can only observe, that if we were clearly empowered ~~so to do~~ we have great reason to distrust our own competency to judge in this matter, none of the ~~present Delegates being~~ Delegates present having been in Congress at that particular time. That a proper degree of Respect to the States, obliges us to suppose that they appointed persons most worthy of the trust and confidence placed in them. That tenderness to the character of those who constituted that Congress, who acted from an immediate view of the most cogent reasons that operated in favor of it, which we cannot now be fully impressed with, demands liberality of sentiment in this respect.

The alteration of the mode of payment cannot be material in the question unless it can be proved that the exchange is less favourable to the United States than the half pay for life. ~~The last Measure has rendered the Receivers as independent of Congress as any other public Creditors, who have not usually been considered as Pensioners; nor as Supporters of undue Influence and arbitrary Measures.~~

We have omitted to remark on several other matters contained in the address, and have confined ourselves to that which seems to have been the occasion thereof—We have only to request a candid examination of the question by the House of Representatives of the State of Connecticut, and we cannot but flatter ourselves that the Union will have in this as in all other federal Matters their firm support; that they will always exercise that Candor and liberality of sentiment towards the opinions of others, ~~which is absolutely nec-~~

essary without which it will be impossible to provide for the general Interest of the United States.¹

To remedy the evil which has arisen from the irregular settlements the committee recommend the following resolution:

Resolved, That the paymaster general be, and he hereby is directed to govern himself in settling the accounts of the army since the year 1779, by the payments made by the respective states to their lines, so that where the pay has been secured by any State, the same shall not be again secured by the United States.²

The Committee [Mr. Elbridge Gerry, Mr. Jacob Read, Mr. Hugh Williamson, Mr. Jeremiah Townley Chase and Mr. Thomas Jefferson] to whom was referred sundry Letters and Papers relative to Commercial matters, submit the following circular letter and Resolves:

The trust reposed in Congress renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain as far as may be, all such proceedings as might prove injurious to the United States.

The delicate situation of commerce at this time, claims the attention of the several States, and ~~it will be admitted that~~ few objects of greater importance can present themselves to their notice. The fortune of every Citizen is interested in the fate of commerce: for it is the constant source of industry and wealth; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 20, I, folio 341. According to the indorsement, and the record in Committee Books, No. 186 and No. 191, it was delivered March 1, was debated March 12 and negatived April 22, the resolution by Mr. Osgood being passed. On March 15 Mr. [Jacob] Read, seconded by Mr. [Hugh] Williamson moved to commit. Thomson's endorsement states that Mr. [James] Wadsworth gave notice he would call for the yeas and nays, which, however, seem to have been called for by Mr. [Thomas] Stone. The record of this vote is on the verso of Osgood's motion and noted by Thompson "These yeas and nays withdrawn."

² This resolution and preamble, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 20, I, folio 339. According to the indorsement, the answer to Connecticut was negatived on this day, and this resolution passed.

Already has Great-Britain attempted a monopoly which is destructive of our trade with her West-India Islands. There was reason to expect that a measure so unequal, and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation: but the measure seems to be growing into a system, and if it should be attended with success, there is too much reason to apprehend other nations might follow the example, and the commerce of America become the victim of illiberal policy.

It would have been the duty of Congress, as it was their wish, at an earlier period, to have met the attempts of Great-Britain with similar and adequate restrictions on her commerce, but their powers on this head were not explicit; and though they are not to suppose that a free people would be jealous of men whom they chuse from year to year to consult and guard their interest, yet it is with reluctance that Congress now make a proposition which may be suspected to have originated in a desire of power, although the measures already adopted by the legislatures of the several States seem to render it their duty to take the general sense of the union on this subject.

It will certainly be admitted, that unless the United States can act as a nation and be regarded as such by foreign powers, and unless Congress for this purpose shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without such reciprocity, our foreign commerce must decline and eventually be annihilated.

That the United States may be enabled to secure such terms of equality in their commerce with foreign nations, is the object of this address; and it will appear by the papers herewith transmitted, that however desirous some of the states may be, that further powers should be vested in Congress for the external regulation of trade, much time and valuable opportunities might be lost before any thing effective could be done, considering the vague and different powers that are proposed to be given by different States. Hence it seems necessary that the States should be explicit, and fix on some particular mode by which foreign commerce not founded on principles of reciprocity, may be restrained. Imposts or duties have been the general instruments for effecting this purpose, but Congress have agreed to recommend another measure which is more simple, equally effective, and may be less exceptionable: For this purpose they have

Resolved, That it be recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandise from being imported into or exported from any of the States ~~except in vessels belonging to and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of commerce entitling them to such privilege~~ in vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed Treaties of Commerce.

Resolved, That it be recommended to the legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire authorized by Treaty from importing into the United States, any good wares or merchandize ~~unless such as are~~ which are not the produce or manufacture of ~~that state, kingdom or empire~~, the Dominions of the Sovereign or whose subjects they are.¹

The Committee consisting of M^r [David] Howell, M^r [Edward] Hand and M^r [William] Ellery to whom was referred a motion of M^r [David] Howell having considered the same find

That John Weis, late Provost Marshall to the army, did in the spring of the year 1777 enlist himself as a Drum Major in the then first Rhode Island Regiment commanded by Colonel Christopher Green.

That on the first of October following he was by the orders of Major General Putnam, appointed Provost Marshall to the army under his command on the Hudson in which capacity he acted until he was appointed Provost Marshal to the Main Army on its assembling at White Plains in the year 1778; and that he discharged the duties of that office with fidelity until March, 1780, when he resigned, notwithstanding, which he has received depreciation on his pay to the first of October, 1777, only.

¹ A printed copy of this report, with corrections in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V. folio 401. The indorsement states that it was read on this day and ordered for Monday, April 26. See *ante*, October 9, 1783.

Your Committee therefore offer the following resolution:

Resolved, That it be and is hereby recommended to the State of Rhode Island and Providence Plantations to make good to John Weis sometime Drum Major in the 1st Rhode Island Regiment, and afterwards Provost Marshall to the Army from the 1st day of October, 1777, to the time of his resignation as Provost Marshall and charge the same to the U. S.¹

[Motion of M^r Elbridge Gerry on settling Accounts of Massachusetts with sundry papers April 22, 1784. Referred to M^r Hugh Williamson, M^r Samuel Hardy, M^r Edward Hand.]

Whereas in the month of February, 1776, the accounts of the State, then Colony of Massachusetts for money advanced to the Union were rendered to a Committee of Congress for examination.

And Whereas there is evidence that the said accounts were well vouched, so far as was necessary to prove the purchases or expenditures of the monies so advanced, and the final settlement was deferred, that equal proof or the best that could be obtained during the confusion which inevitably prevailed at and for a considerable time after the commencement of hostilities in 1775 might be given of the issues of such of the articles so purchased as were not vouched by the accounts rendered.

And whereas the box containing the said accounts and vouchers has from that period been under the care of the officers of the Treasury of the U. S. and by the various movements of the office, the said accounts and vouchers are deranged and many of them lost and it is neither reasonable nor just that the said State should suffer any loss by such accident

Resolved, that the Commissioner for liquidating the accounts of Massachusetts be instructed to pass the accts. rendered as aforesaid without a reexamination of what respects the purchases or cost of the articles supplied and to admit as evidence of the issues the best that can reasonably be expected considering the unavoidable confusion that took place at and for a considerable time after the commencement of the late war with G. Britain.²

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, VI, folio 515. The indorsement states that it was read on this day.

² This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 20, I, folio 167.

[Report on M^r Halsted's petition by M^r Roger Sherman, M^r John Beatty, M^r Samuel Dick.]

The Committee consisting of ————— to whom was referred the petition and memorial of John Halsted, late Deputy Commy. Genl. in Canada, have agreed to the following report.

That Congress by their Act of the 1st of October, 1783, have directed the Commissioner of Accounts for the Commissary's Department, upon what principles the Accounts of M^r Halsted shall be settled; but he not having submitted the whole of his accounts for purchases of provisions in Canada and the amount of the debts he has contracted there on behalf of the United States to the proper officer appointed to liquidate the same; Congress cannot consistently at this time take any measures for the payment thereof.

That so much of his petition as relates to the payment of a ballance due on a liquidated Account be referred to the Superintendent of Finance to take such order thereon as the circumstances of the case may require and the state of the finances will admit.¹

FRIDAY, APRIL 23, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

Resolved, That to-morrow be assigned for electing a commissioner to negotiate with the Indians, in the room of Mr. Stephen Higgenon, who has declined that office.

On motion of Mr. [Jacob] Read, seconded by Mr. [Edward] Hand,

¹ This report, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 19, III, folio 15. The indorsement states that it was read on this day and on March 24, 1785, referred to Mr. [William] Ellery, Mr. [John] Bull, and Mr. [Samuel] Holten.

Resolved, That to-morrow be assigned for electing a commissioner to negotiate with the Indians, in the room of Mr. Nathaniel Greene, who has declined that office.

Congress resumed the consideration of the report of a committee, on a plan for a temporary government of the Western territory.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson, to amend the report by inserting after the words "but not of voting," the following clause:

That such measures ~~shall be taken by Congress~~ as may from time to time be necessary ~~for and consistent with~~ not inconsistent with the ~~articles~~ principles of the confederation are ~~shall be~~ reserved for and shall be taken by Congress to preserve peace and good order among the settlers in any of the said new States, previous to their assuming a temporary government as aforesaid.¹

"That measures not inconsistent with the principles of the Confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs] Spaight, to postpone that amendment, in order to take up the following:

That until such time as the settlers aforesaid, shall have adopted the constitution and laws of some one of the original states as aforesaid, for a temporary government, the said settlers shall be ruled by magistrates to be appointed by the United States in Congress assembled, and under such laws and regulations as the United States in Congress assembled, shall direct.

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 563.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} ay
Partridge,	no		Mr. Stone,	ay	
<i>Rhode Island,</i>		} *	Chase,	ay	} no
Mr. Ellery,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jefferson,	no	} no
Mr. Sherman,	no	} no	Mercer,	ay	
Wadsworth,	no		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		} div.
Mr. De Witt,	ay	} div.	Mr. Williamson,	no	
Paine,	no			Spaight,	ay
<i>New Jersey,</i>			<i>South Carolina,</i>		} div.
Mr. Beatty,	no	} no	Mr. Read,	ay	
Dick,	no			Beresford,	no

So the question was lost.

The amendment of Mr. [Elbridge] Gerry being adopted, the report as amended was agreed to as follows:

Resolved, That so much of the territory ceded or to be ceded by individual states to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from ~~south to north~~ north to south two degrees of latitude, beginning to count from the completion of ~~thirty one the forty fifth degree~~ forty-five degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanhaway: but the

territory eastward of this last meridian, between the Ohio, Lake Erie and Pennsylvania, shall be one State whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree between the said meridians, shall make part of the State adjoining it on the south: and that part of the Ohio, which is between the same meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased, and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age within the limits of their State to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States; so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

~~That such temporary government shall only continue in force in any State until it shall have acquired twenty thousand free inhabitants when~~ [That when any such State shall have acquired twenty thousand free inhabitants, on] giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves. Provided that both the temporary and permanent governments be established on these principles as their basis:

First. That they shall for ever remain a part of this confederacy of the United States of America.

Second. That ~~in their persons, property and territory~~ they shall be subject to the government of the United States ~~in Congress assembled and~~ to the Articles of Confederation in all those cases in which the original states shall be so subject, [and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

Third. That they in no case shall interfere with the primary disposal of the soil by the United states in Congress assembled, nor with the ordinances and regulations which Congress may find necessary, for securing the title in such soil to the bona fide purchasers.]

Fourth. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

Fifth. That no tax shall be imposed on lands, the property of the United States.

Sixth. That their respective governments shall be ~~in republican forms, and shall admit no person to be a citizen who holds any hereditary title. — That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty,~~ republican.

[Seventh. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.]

That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen Original states, such State shall

be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states; provided ~~nine states agree to such admission, according to the reservation of the eleventh of the Articles of Confederation~~ the consent of so many states in Congress is first obtained as may at the time be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the states, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine states is now required, which being agreed to by them, shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating but not of voting.

[That measures not inconsistent with the principles of the Confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.]

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable [from and after the sale of any part of the territory of such State, pursuant to this resolve] but by the joint consent of the United States in Congress assembled, and of

the particular State within which such alteration is proposed to be made.¹

On the question to agree to the foregoing, the yeas and nays being required by Mr. [Richard] Beresford,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Mifflin,	ay	}
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	}	<i>Maryland,</i>		}
Partridge,	ay		Mr. Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	ay	}	<i>Virginia,</i>		}
Howell,	ay		Mr. Jefferson,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	ay	}	Monroe,	ay	
Wadsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Williamson,	ay	}
Mr. De Witt,	ay		Spaight,	ay	
Paine,	ay		<i>South Carolina,</i>		}
<i>New Jersey,</i>			Mr. Read,	no	
Mr. Beatty,	ay	}	Beresford,	no	
Dick,	ay				

So it was resolved in the affirmative.

¹ The report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 30, folio 55. The portions in brackets are not in Jefferson's draft, which, according to the indorsement, was rendered March 24. A printed copy showing the alterations made during the debate, is on folios 53 and 57½. The words lined out so appear on this printed copy and not in the Journal. This printed copy with the manuscript alterations was passed April 23.

On this day, as the indorsement indicates, was read a letter of April 15, from Oliver Wolcott and Richard Butler. It is in No. 56, folio 101.

Also, a letter of April 17, 1784, from Benjamin Harrison, Governor of Virginia. It is in No. 71, II, folio 371.

Also, a letter of March 31 from Stephen Higginson. It is in No. 78, XII, folio 299.

Also, a letter of March 31 from Oliver Wolcott. It is in No. 78, XXIV, folio 463.

SATURDAY, APRIL 24, 1784.

Congress assembled: Present as yesterday.

A motion was made by Mr. [Edward] Hand, seconded by Mr. [John] Montgomery, in the words following:

“Whereas Congress have by their resolution of the 23 day of January last, on the petition of Zebulon Butler and others, directed the institution of a court to determine the private right of soil within the territory westward of the Delaware, formerly in dispute between the states of Connecticut and Pennsylvania, agreeably to the ninth of the Articles of Confederation, and have assigned the fourth Monday in June next, for the appearance of the parties by their lawful agents, before Congress, or a committee of the states, to proceed in the premises as by the Confederation is directed. And whereas the general assembly of the State of Pennsylvania have, by their resolutions of the 14th day of February last, instructed their delegates in Congress as follows:

IN GENERAL ASSEMBLY, *Saturday, February 14, 1784, A. M.*

Resolved, 1. That the delegates of this State be instructed to apply immediately to Congress for an explanation of their act of the 23 day of last month, it appearing to be uncertain whether the fourth Monday in June next is fixed for the purpose of appointing commissioners or judges to constitute a court for hearing and determining the matter in question, or for the purpose of deciding how far the same is, by the ninth Article of Confederation, submitted to the determination of such a court.

2. That if Congress by their said act meant the appointment of commissioners or judges next June, then the said delegates move for a re-consideration of the said act, and represent to Congress, that the agents for the State of Connecticut did, upon the late trial at Trenton, suggest to the court there, that the tenants in possession of the lands in controversy, and particularly the companies of Delaware and Susquehanna, were improving and holding large tracts of land under title from the State of Connecticut; and that by the said Article of Confederation, a court is to be established for the trial of the private right of soil only where it is claimed, under different grants

of two or more states, so that Zebulon Butler and the other claimants cannot be entitled to such a court, unless they come within the description aforesaid, which it is apprehended they do not. That if Congress should consent to establish courts at the instance of persons, not first proving themselves to be included in the description aforesaid, the citizens of this State may be harassed by a multitude of pretended claims at the suit of adventurers or invaders of the State, and in the present instance at the suit of persons who have settled in defiance of the resolution of Congress of the 23 day of December, 1775.

3. That if Congress shall resolve that the matter in question is, by the said Article of the Confederation, submitted to the determination of such a court, then the said delegates insist that Zebulon Butler, and the other claimants, be required, immediately, to exhibit to Congress schedules particularizing their claims.

Resolved, That it was the intention of Congress, by their act of the 23 day of January last, that commissioners or judges should be appointed on the fourth Monday in June next, agreeably to the ninth of the Articles of Confederation, to determine the private right of soil within the territory westward of the Delaware, formerly in controversy between the States of Connecticut and Pennsylvania, and lately determined to be within the jurisdiction of the State of Pennsylvania.

Nevertheless, as the petitioners aforesaid have not shewn to Congress that their claims to the private right of soil, within the territory aforesaid, originate from grants obtained from the State of Connecticut, which alone can entitle them to a court agreeably to the 9th of the Articles of Confederation,

Resolved, That the resolution of the 23 day of January last, directing the institution of a court for determining the private right of soil within the territory westward of the Delaware, formerly in controversy between the states of Connecticut and Pennsylvania, and appointing the fourth Monday in June next, for the appearance of the parties, by their lawful agents, before Congress, or a committee of the states, be, and it is hereby suspended, until Zebulon Butler, and the other petitioners, claimants as aforesaid, exhibit to Congress, or a committee of the states, schedules, particularizing their claims.

Resolved, That the parties, claimants as aforesaid, be informed, that their appearance, by their agents, before Congress, or a com-

mittee of the states, as specified by the resolution of Congress of the 23 day of January last, will not be necessary, until the further determinations of Congress, or a committee of the states, in the premises, be made known to them.¹

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Montgomery, that the foregoing motion be committed; and on the question for commitment, the yeas and nays being required by Mr. [Edward] Hand,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	}	ay	Mr. Mifflin,	ay	}	ay
Blanchard,	ay			Montgomery,	ay		
<i>Massachusetts,</i>				Hand,	ay		
Mr. Gerry,	ay	}	ay	<i>Maryland,</i>		}	ay
Partridge,	ay			Mr. Stone,	ay		
<i>Rhode Island,</i>				Chase,	ay		
Mr. Ellery,	no	}	div.	<i>Virginia,</i>		}	ay
Howell,	ay			Mr. Jefferson,	ay		
<i>Connecticut,</i>				Hardy,	ay		
Mr. Sherman,	no	}	no	Mercer,	ay		
Wadsworth,	no			Monroe,	ay		
<i>New York,</i>				<i>North Carolina,</i>		}	ay
Mr. De Witt,	ay	}	ay	Mr. Williamson,	ay		
Paine,	ay					Spaight,	ay
<i>New Jersey,</i>				<i>South Carolina,</i>		}	ay
Mr. Beatty,	no	}	div.	Mr. Read,	ay		
Dick,	ay					Beresford,	ay

So it was resolved to commit it.²

According to the order of the day, Congress proceeded to the election of two commissioners to negotiate with the Indians, in the room of Mr. S. Higgenson and Mr. N. Greene, who have declined that office; and, the ballots being taken, Mr. Benjamin Lincoln and Mr. Arthur Lee were elected.

¹ This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 36, II, folio 347.

² This motion and vote are in the *Papers of the Continental Congress*, No. 36, II, folio 354. The indorsement shows that Mr. Hand's motion was referred to Mr. [Thomas] Jefferson, Mr. [William] Ellery and Mr. [Hugh] Williamson.

[Representation of the Delegates for New York resp'g the New Hampshire Grants]

To the United States of America in Congress Assembled:

The under written Delegates for the State of New York have the honor in obedience to an express instruction from the Legislature of the said State to represent that in compliance with an Act of Congress bearing date the twenty fourth day of Sept., 1779 (in which Act of Congress it is among other things declared that disputes at present subsist between the States of Massachusetts Bay, New Hampshire, and New York on the one part and the people of the District called the New Hampshire Grants on the other, which people deny the Jurisdiction of each of the said States over the said District and each of the said States claim the said District against each other as well as against the said people as appertaining in whole or in part to them respectively.

Resolved, unanimously, That it be and hereby is earnestly recommended to the States of New Hampshire, Massachusetts Bay and New York forthwith to pass laws expressly authorising Congress to hear and determine all differences between them relative to their respective Boundaries in the Mode prescribed by the Articles of Confederation, so that Congress may proceed thereon by the first day of February next at farthest; and further, that the said States of Massachusetts Bay, New Hampshire and New York do, by express laws for that purpose, refer to the decision of Congress all differences or disputes relative to Jurisdiction which they may respectively have with the people of the district aforesaid, so that Congress may proceed thereon on the said first day of February next, and also to authorise Congress to hear and determine all disputes subsisting between the Grantees of the several States aforesaid with each other or with either of the said States respecting Title to lands lying in the said District, to be heard and determined in the mode prescribed for such cases by the Articles of Confederation aforesaid; and further to provide that no advantage be taken of the nonperformance of the Conditions of any of the Grants of the said land, but that further reasonable time be allowed for fulfilling such conditions.

Resolved unanimously, That Congress will and do hereby pledge their faith to carry into Execution, and support their Decisions and determinations in the premises, in favour of whichever of the parties the same may be to the end that permanent concord and har-

mony may be established between them, and all cause of uneasiness be removed; and that Congress will on the said first day of February next proceed without delay to hear and examine into the disputes and differences relative to Jurisdiction aforesaid, between the said three States respectively, or such of them as shall pass the laws before mentioned, on the one part, and the people of the District aforesaid, who claim to be a separate Jurisdiction on the other, and after a full and fair hearing will decide and determine the same according to equity.) The Legislature of the State of New York did on the twenty first day of October, 1779, pass a law entitled "An Act to empower the Congress of the United States of America to determine all controversies relative to certain lands in the Counties of Cumberland, Gloucester, Charlotte, and Albany, commonly called the New Hampshire Grants" by which said act or law the State of New York did fully comply with the recommendation contained in the aforesaid (in part recited) Act of Congress as by comparing the said Act or law of the State of New York with the said Act of Congress will appear.

That on the nineteenth day of September, 1780, all the parties concerned in the said Controversy (Massachusetts Bay excepted) being present, Congress did attend to the hearing of the said Controversy, but have not to this day decided the same.

The underwritten further represent that the Inhabitants of the said District have paid no regard to the Act of Congress which inhibited the people of the said District who deny the Jurisdiction of all the aforementioned States from granting lands or exercising any Authority over those who profess themselves to be Citizens of, or to owe Allegiance to, any or either of the said States but in violation and Contempt thereof have granted lands and exercised Authority over those in the said District who profess to owe and yield Allegiance to the Authority of the State of New York, to the utter ruin of many of the Citizens thereof.

That the Inhabitants of the said District have shewn the utmost contempt of the Act of Congress of the fifth day of December, 1782, by refusing to restore the Estates which they had confiscated belonging to persons who refused to yield obedience to the laws of (the Assumed State of) Vermont, although the said persons professed to owe and yield Allegiance to the State of New York and who were guilty of no other offence.

The Inhabitants of the said District have likewise refused to set at liberty those who were in confinement for like causes as aforesaid, unless upon large bonds for their good behaviour, and have actually taken up and confined in close Jail, divers of the Citizens of the State of New York who had been banished by the authority of the assumed State of Vermont aforesaid, and for the offence aforesaid and who returned to their habitations in the District aforesaid under the sanction of the last mentioned act of Congress.

That the Inhabitants of the said District under the name and stile of the State of Vermont have in and during the course of the winter now last past actually raised Troops and levyed war upon and against the Citizens of the State of New York in Cumberland County, in the District aforesaid, where numbers were wounded, made prisoners of and inhumanly loaded with Irons and Confined in close Jail, while others were driven from their habitations and obliged to fly into the Neighbouring States and for no other cause than the offence aforesaid. The underwritten further represent that the pretended Government of Vermont, hath lately extended its claim and granted lands far to the westward of any of the most westerly Grants ever made by the Government of the late Colony of New Hampshire, and have actually seized the lands so granted, although the same have long since passed to the Citizens of the State of New York, under the Great Seal of the late Colony of New York.

The underwritten further represent that the Legislature of the State of New York, to prevent the evils of civil discord, have besides a chearful compliance with the recommendation of Congress to submit the said Controversy to their final determination, made many liberal cessions in favour of those claimants, particularly a certain Act entitled "An Act for quieting the minds of the Inhabitants in the North Eastern Parts of this State," passed the fourteenth day of April, 1782, by which said Act the lands granted by New Hampshire and the pretended State of Vermont were Confirmed to the claimants, and even occupants without right, were liberally provided for, and there was no exception or reserve, but in favor of the oldest patents in question.

The underwritten further represent that they are expressly instructed in the most ~~urgent~~ and pointed manner to press Congress for a decision of this long protracted Controversy, not on Consideration of public expediency, but consistently with the Assurances of Congress according to equity.

That the State of New York complains of the most grievous injustice done them by Congress by delaying the said Decision, especially after a submission in compliance with the unanimous recommendations of Congress, in full confidence that Congress would have kept their faith inviolate, and which in the most solemn manner they had pledged.

That great danger and distress will arise from the further procrastination of the said Decision, as the leaders of the said District have raised Troops and do now employ them to reduce other Inhabitants, resident in the said District and acknowledging themselves Citizens of and to one allegiance to the State of New York, to submit to the said assumed Government of Vermont, and many of the Inhabitants of the said District, for professing to owe Allegiance to the State of New York, are now in the most grievous state of distress under close confinement, calling upon the State of New York for protection and redress, and that when every State ought to be in the full enjoyment of the blessing of peace under the protection of the federal Union, the State of New York alone, is on the point of experiencing the calamities of an internal war; but that if she must recur to force for the preservation of her lawful Authority the impartial world will pronounce that none of the blood shed or disorder which may ensue, can be imputed to the Legislature thereof, who appeal to the Journals of Congress for the rectitude, moderation and liberality of the measures they have invariably pursued to produce an amicable determination of the Controversy.

That in order to afford another instance of the Upright intentions of the Government of the State of New York, Congress be entreated to Guarantee the Concessions made on her part by the said Act of the fourteenth day of April, 1782.

The Underwritten further represent that the Legislature of the State of New York conceive themselves to be urgently pressed by the great duty of self-preservation to prepare without loss of time for the Worst events, and however sincerely they are disposed to maintain the Union and to manifest an Inviolable respect for Congress, yet if the decision which has so long in vain been solicited, should not be pronounced within two Months next after nine States shall be represented in Congress, subsequent to a representation of the State of New York, no further expectation can be entertained of such decision; and the said State of New York, with whatever

deep regret, will be compelled to consider herself as left to pursue her own Councils destitute of the protection of the United States to whose Judgment they have cheerfully submitted and on whose Justice they have hitherto relied.

The Underwritten do therefore by this public Act, which they pray may be received and filed among the records of the United States, make known the just expectations and earnest request of the Legislature of the State of New York, declaring their readiness to lay before such of the Members of Congress as may be uninformed, satisfactory evidence of the title of the State of New York to all that part of the Controverted District which lies on the West Side of Connecticut River.

Done at Annapolis, in obedience to the express instructions of the Legislature of the State of New York, the 24th day of April, 1784.

CH. DE WITT	} <i>Delegates for the State of New York and Agents in the Controversy referred to.</i> ¹
EPHRAIM PAINE	

MONDAY, APRIL 26, 1784.

Congress assembled: Present, eleven states as before.

A motion was made by Mr. [David] Howell, seconded by Mr. [Elbridge] Gerry,

The Delegates for the State of Rhode Island and Providence Plantations pursuant to their instructions as entered on the Journals of the 14th instant beg leave to renew their motion of that day entered and amended as follows, viz, Resolved:

That the President be, and he hereby is authorised and directed, to adjourn Congress on the third day of June next,

¹This representation, in the writing of a clerk is in the *Papers of the Continental Congress*, No. 40, II, folios 475-483. The indorsement states that it was read on this day and referred to Mr. Jefferson, Mr. [Jacob] Read, Mr. Gerry, Mr. [Roger] Sherman, Mr. [William] Ellery, Mr. [Samuel] Hardy, and Mr. [George] Partridge. Committee Book, No. 186, states that the committee was renewed May 17.

On this or an approximate date was read a letter of April 16, 1784, from George Clinton, Governor of New York. It is in No. 67, II, folio 453.

Also, as the indorsement states, another letter of April 16, 1784, from George Clinton, Governor of New York, which was referred to Mr. [Edward] Hand, Mr. [Thomas] Stone and Mr. [Roger] Sherman. It is in No. 67, II, folio 461.

Also, a letter of May 12 from Colonel George Morgan. It is in No. 163, folio 365.

to meet on the thirtieth of October next at Trenton, for the despatch of public business; and that a committee of the states shall be appointed to sit in the recess of Congress.¹

A motion was made by Mr. [James] McHenry, seconded by Mr. [Richard Dobbs] Spaight, to postpone the consideration of the foregoing motion, in order to take into consideration the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Roger] Sherman, to whom was referred a report on the powers with which a committee of the states should be vested during the recess of Congress, and a motion on the same subject, which report is as follows:

“That the committee of the states which shall be appointed, pursuant to the 9th Article of Confederation and perpetual Union, to sit in the recess of Congress, for transacting the business of the United States, shall possess all the powers which may be exercised by seven states in Congress assembled; except those of sending ambassadors, ministers, envoys, residents or consuls; establishing rules for deciding what captures by land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; establishing courts for the receiving and determining finally appeals in cases of capture; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post-office established by Congress, and of repealing or contravening any ordinance passed by Congress.

That nine members shall be requisite to proceed to business.

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 359.

That no question, except for adjourning from day to day, shall be determined without the concurrence of seven votes.

That the President of Congress, if a member of the said committee, and if not a member, or if absent at any time, then a chairman to be chosen by themselves shall preside; the President or chairman retaining a right to vote.

That the Secretary and other officers of Congress shall attend on the said committee.

That they shall keep an accurate journal of their proceedings, to be laid before Congress; and that in these journals shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

~~II. That they be excluded by Congress from the powers of sending ambassadors, ministers, envoys residents or consuls, establishing rules for deciding what captures on land or water shall be legal and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; appointing courts for the trial of piracies and felonies committed on the high seas; establishing courts for receiving and determining finally appeals in cases of captures; instituting courts for deciding disputes and differences arising between two or more states; changing the rate of postage on the papers passing through the post offices established by Congress.~~

~~III. That the said committee exercise the following powers as permitted by the Confederation:—of directing the determination of controversies concerning the private right of soil in the cases and according to the mode pointed out by the 9th Article of Confederation; regulating the trade and managing all affairs with the Indians not members of any of the states; regulating the post offices from one State to another throughout all the United States; appointing officers of the land forces in the service of the~~

~~United States excepting regimental officers; appointing officers of the naval forces; commissioning all officers what ever in the service of the United States; making rules for the government and regulation of the said land and naval forces not inconsistent with the articles of war established by Congress; directing the operations of the said land and naval forces; building, buying and equipping vessels previously agreed by Congress to be built, bought and equipped; and making requisitions from the states for their quotas of men and money proportioned on them by Congress.~~

~~IV. That the said committee exercise also the following powers which are neither expressly given nor refused them by the Confederation, viz: of convoking Congress at an earlier day than that to which they shall stand adjourned, if the public exigencies shall in their opinion require it; superintending all offices appertaining to the United States; supplying all vacancies by new appointments to continue in force only until Congress shall make final appointments; directing and controuling the application of money in the detail according to the general appropriation previously made by Congress; and executing in general the resolutions, orders and ordinances of Congress.~~

~~V. That no question except for adjourning from day to day shall be determined in the said committee without the concurrence~~

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] McHenry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} ay
Partridge,	no		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	Chase,	ay	
Howell,	no		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	no	} no	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			Monroe,	ay	
Mr. De Witt,	no	} no	<i>North Carolina,</i>		} ay
Paine,	no		Mr. Williamson,	ay	
<i>New Jersey,</i>			Spaight,	ay	
Mr. Beatty,	no	} no	<i>South Carolina,</i>		} ay
Dick,	no		Mr. Read,	ay	
			Beresford,	ay	

So it passed in the negative.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [James] McHenry, to amend the motion of Mr. [David] Howell, by adding thereto, "provided a committee of the states shall first have been appointed to sit in the recess of Congress, and the powers defined with which the said committee shall be vested, according to the tenth of the Articles of Confederation."¹

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Massachusetts,</i>		
Mr. Foster,	no	} no	Mr. Gerry,	no	} no
Blanchard,	no		Partridge,	no	

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 361.

<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. McHenry,	ay	} ay
Howell,	no		Stone,	ay	
<i>Connecticut,</i>			Chase,	ay	
Mr. Sherman,	no	} no	<i>Virginia,</i>		} ay
Wadsworth,	no		Mr. Jefferson,	ay	
<i>New York,</i>			Hardy,	ay	
Mr. De Witt,	no	} no	Mercer,	ay	
Paine,	no		Monroe,	ay	
<i>New Jersey,</i>			<i>North Carolina,</i>		} ay
Mr. Beatty,	no	} no	Mr. Williamson,	ay	
Dick,	no		Spaight,	ay	
<i>Pennsylvania,</i>			<i>South Carolina,</i>		} ay
Mr. Mifflin,	no	} no	Mr. Read,	ay	
Montgomery,	no		Beresford,	ay	
Hand,	no				

So it passed in the negative.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [John Francis] Mercer, to postpone the further consideration of the motion under debate, in order to take up the following:

That as soon as a proper place shall be reported by the committee appointed to view and report a proper place for a federal town, at or near Georgetown, on the Potomack, and the soil and jurisdiction obtained as well for the town on Potomack as that on Delaware, Congress will, forthwith, proceed to erect such public buildings as may be necessary for their sessions, at the expence of the United States, out of the common treasury thereof; that the foundations of the said buildings shall be laid at the same time, and no sum of money appropriated for the one, unless an equal sum be appropriated for the other: ¹

¹ This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, II, folio 363.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] McHenry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} ay
Partridge,	no		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	Chase,	ay	
Howell,	no		<i>Virginia,</i>		} div.
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	no	} no	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			Monroe,	no	
Mr. De Witt,	no	} no	<i>North Carolina,</i>		} no
Paine,	no		Mr. Williamson,	no	
<i>New Jersey,</i>			Spaight,	no	
Mr. Beatty,	no	} no	<i>South Carolina,</i>		} div.
Dick,	no		Mr. Read,	ay	
			Beresford,	no	

So it passed in the negative.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [Jacob] Read, to postpone the consideration of the motion under debate, in order to take up the following:

Whereas the resolution of the 20 of October last provides that Congress shall reside at Trenton and Annapolis, alternately, at equal periods, of not less than six months, or more than twelve, until the buildings on the banks of Potomack and Georgetown Delaware, be ready for their reception.

And whereas the delegates from Rhode Island, pursuant to instructions from that State, have moved a resolution that Congress adjourn to Newport, in the State of Rhode Island, from which it is evidently the sense of that State, that the

resolution for two federal towns should not be carried into effect.

And whereas it appears to be the sense of a majority of the states in Congress assembled, by a motion from the state of Connecticut, forbidding the committee appointed to view the ground at or near Georgetown, to proceed in that business, until the further order of Congress, and by a motion for allowing the states of Maryland and Virginia, to advance

pounds for the purpose of erecting public buildings, at or near Georgetown, and for giving them credit for the same in the requisition for year, which last being negatived, amounts to a virtual repeal of the aforesaid act; and as it will be expedient to fix on a situation the most central to all parts of the union, for holding the sessions of Congress,

Resolved, That Congress hold their sessions in Annapolis, in the State of Maryland, until they decide on some place for their permanent residence, and the necessary public buildings be erected for their accommodation.¹

On this motion, the previous question was moved by the State of Connecticut, seconded by the State of Rhode Island; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Samuel] Hardy,

<i>New Hampshire,</i>				<i>Connecticut,</i>		
Mr. Foster,	ay	} ay		Mr. Sherman,	ay	} ay
Blanchard,	ay			Wadsworth,	ay	
<i>Massachusetts,</i>				<i>New York,</i>		
Mr. Gerry,	ay	} ay		Mr. De Witt,	ay	} ay
Partridge,	ay			Paine,	ay	
<i>Rhode Island,</i>				<i>New Jersey,</i>		
Mr. Ellery,	ay	} ay		Mr. Beatty,	ay	} ay
Howell,	ay			Dick,	ay	

¹ This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 36, II, folio 357. The word lined out appears so in the report and not in the Journal.

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} ay	Mr. Jefferson,	ay	} div.
Montgomery,	ay		Hardy,	no	
Hand,	ay		Mercer,	no	
<i>Maryland,</i>			Monroe,	ay	
Mr. McHenry,	no	} no	<i>North Carolina,</i>		} div.
Stone,	no		Mr. Williamson,	no	
Chase.	no		Spaight,	ay	
			<i>South Carolina,</i>		} div.
			Mr. Read,	no	
			Beresford,	ay	

So it was resolved in the affirmative, and the motion was set aside.

On the question to agree to the original motion, the yeas and nays being required by Mr. [Thomas] Stone,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	ay	} ay	Chase,	no	
Howell,	ay		<i>Virginia,</i>		} no
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	ay	} ay	Hardy,	no	
Wadsworth,	ay		Mercer,	no	
<i>New York,</i>			Monroe,	no	
Mr. De Witt,	ay	} ay	<i>North Carolina,</i>		} div.
Paine,	ay		Mr. Williamson,	no	
<i>New Jersey,</i>			Spaight,	ay	
Mr. Beatty,	ay	} ay	<i>South Carolina,</i>		} no
Dick,	ay		Mr. Read,	no	
			Beresford,	no	

So it was *Resolved*, That the President be, and he hereby is authorised and directed to adjourn Congress on the third day of June next, to meet on the thirtieth day of October next at Trenton, for the despatch of public business, and

that a committee of the states shall be appointed to sit in the recess of Congress.

Congress resumed the consideration of the report of the grand committee, appointed to report to Congress the arrears of interest, &c. and the following clause being under debate, "they wish earnestly and warmly to encourage the abler states to go as far beyond this proportion as their happier situation will admit, under an assurance that their further contributions will be applied to the discharge of the public debt, giving preference according to the preceding statement, and will be placed to their credit in the next requisitions with interest thereon from the time of payment." A motion was made by Mr. [Thomas] Stone, seconded by Mr. [James] McHenry, to strike out the word "thereon," and in lieu thereof to insert "on the specie payments": And on the question to agree to this, the yeas and nays being required by Mr. [James] McHenry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} ay
Partridge,	no		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	Chase,	ay	
Howell,	no		<i>Virginia,</i>		} ay
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	no	} no	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			Monroe,	ay	
Mr. De Witt,	no	} no	<i>North Carolina,</i>		} no
Paine,	no		Mr. Williamson,	no	
<i>New Jersey,</i>			Spaight,	no	
Mr. Beatty,	no	} no	<i>South Carolina,</i>		} div.
Dick,	no		Mr. Read,	ay	
			Beresford,	no	

So it passed in the negative.

The Committee [Mr. David Howell, Mr. Roger Sherman and Mr. Samuel Hardy] to whom was referred a motion made by M^r [David] Howell report the following Resolution,

That the Commissioner for settling the accounts of the State of Rhode Island and Providence Plantations with the United States be directed to liquidate and settle the accounts of Col. Josiah Flagg late Commissary and of Josiah Flagg jun^r late Conductor of military stores in said state.¹

TUESDAY, APRIL 27, 1784.

Congress assembled: Present, eleven states as before.

Congress resumed the consideration of the report of the grand committee, appointed to report to Congress the arrears of interest, &c.

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight, to postpone the consideration of the report, in order to take up the following:

Resolved, That there will be wanting for the services of the year 1784, from the first to the last day thereof inclusive, the following sums expressed in dollars.

The civil department.....	107, 525. 33	
Military department.....	200, 000	
Marine department.....	30, 000	
Purchases of Indian right of soil, and incidental expences.....	60, 000	
Contingencies.....	60, 000	
		457, 525. 33
Debts contracted and still unpaid for 1782 and 1783 ..	1, 000, 000	

Interest on the national debt as follows:

On Spanish loan.....	9, 000	
Farmers general of France.....	8, 467	
French loan.....	296, 074	
Dutch loan.....	35, 000	
		348, 541

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, II, folio 289. The indorsement states that it was read this day, and that: "the papers of J. Flagg &c. which were delivered into the office by Mr. Howell were withdrawn by him June 4th 1784."

Domestic debt.

Loan-office debt.....	787, 851	
Liquidated debt.....	34, 609	
Army debt.....	358, 424	
		1, 180, 884
Total.....		2, 986, 952. 33

It must be here observed, that Congress by their resolutions of the 18 of April, 1783, had recommended to the several states the raising an annual revenue for the purpose of discharging the principal and interest of the national debt, by the establishment of certain imposts, and providing such supplementary funds, for a given term of years, as they may judge convenient; but as those recommendations are still under suspense with several of the legislatures, some of them having as yet only acceded to the impost, and others decided neither on the impost nor supplementary funds, however desirable a full compliance therewith is for the preservation of our faith and establishment of a national credit, yet as time has already elapsed and more must elapse, before their final confirmation can be hoped; as after it shall be attained, time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the mean time other measures should be resorted to, for the purpose of discharging the growing interest. It is considered by Congress, that a demand upon the states for the whole arrearages of interest due on the foreign and domestic debt, at the critical moment when they are just emerging from the complicated distresses of a ruinous internal war, would only be attended with a failure of compliance on the part of the states; a consequence that could not but be destructive of public credit. During the continuance of the war, a non-compliance with the requisitions of Congress was attributed to the ravages of the enemy, the loss of commerce, and the employment of our

citizens in defending instead of cultivating the soil, but if on the conclusion of peace, the same remissness on the part of the states be continued, no other cause can be assigned but a defect in the powers of government, or an inability or disinclination in the citizens of America, to do justice to their public creditors; conclusions equally ruinous and dishonourable. To avoid which, it is indispensably necessary that Congress conform their requisitions to the abilities of their constituents to pay. If this can be accomplished by calling for the interest for one year on the principal and interest heretofore due, and the requisition is punctually complied with, complete justice will then be rendered to public creditors, as it is a well known fact, that whenever the payment of interest on a principal sum can be well secured, such is the nature of monied operations, that the proprietors of the evidences of such a principal sum can always transfer them for their full value. The requisitions of October 30, 1781, for eight millions of dollars, and of October 16, 1782, for two millions of dollars, have been so partially complied with, and in such unequal proportions, that Congress can retain no hopes of their full execution, and it only remains for them now to adjust the proportions paid by the several states, and where any State has exceeded her equal proportion, to give such State credit in the ensuing requisitions, and charge the deficiency that will then arise on those states, who have failed in paying in an equal ratio.

Individual states, &c. (here take in the paragraph in the report beginning with those words:)

But it will be necessary also to remind the states, &c. (here also take in the paragraph in the report beginning with those words:)

Resolved, That the above sum of 2,986,952.33 dollars, be furnished by the respective states in the following proportions, viz.

New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia; according to the apportionment made in April, 1783.

And in order to ascertain the precise sum due to the domestic creditors, the Superintendant of finance is hereby directed to cause all the loan-office certificates, and other public securities, to be revised and liquidated anew, and the interest due thereon, to the last day of the year, 1783, to be added to the principal sums and securities issued agreeable thereto.

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		} no
Partridge,	no		Mr. McHenry,	no	
<i>Rhode Island,</i>			Stone,	no	
Mr. Ellery,	no	} no	Chase,	no	
Howell,	no		<i>Virginia,</i>		} div.
<i>Connecticut,</i>			Mr. Jefferson,	no	
Mr. Sherman,	no	} no	Hardy,	ay	
Wadsworth,	no		Mercer,	ay	
<i>New York,</i>			Monroe,	no	
Mr. De Witt,	no	} no	<i>North Carolina,</i>		} ay
Paine,	no		Mr. Williamson,	ay	
<i>New Jersey,</i>			Spaight,	ay	
Mr. Beatty,	no	} no	<i>South Carolina,</i>		} div.
Dick,	no		Mr. Read,	ay	
			Beresford,	no	

So it passed in the negative.

The report of the grand committee, appointed to prepare and report to Congress, the arrears of interest on the national debt, together with the expences for the year 1784, and a

requisition of money on the states for discharging the same, being amended to read as follows:

Resolved, That there will be wanting for arrears of interest on the national debt, to the end of the year 1783, and for the interest of the foreign debt and services of the present year 1784, from the first to the last day thereof inclusive, the following sums expressed in dollars, tenths and hundredths of dollars.

The civil department.....	107, 525. 33	
The military department.....	200, 000	
The marine department.....	30, 000	
Purchases of Indian rights of soil, and the incidental expences.....	60, 000	
Contingencies.....	60, 000	
	<hr/>	457, 525. 33

Debts contracted and still unpaid for
services of 1782 and 1783..... 1, 000, 000

Interest on the national debt, as follows:

Foreign Debt.

1782. Dec. 31. Three years' interest on the Spanish loan of 150,000 dollars, at 5 per cent.....	22, 500	
1783. Dec. 31. Spanish loan, one year.. To the Farmers general of France, livres, 846,- 710.5.....	7, 500	
		7, 840
1784. June 1. Dutch loan. 1,800,000 florins, at 5 per cent..	35, 000	
Sept. 3. French loan of 24 mil- lion livres, do.....	222, 000	
Nov. 5. Dutch loan of 10 mil- lion livres, guaranteed by France, do.....	74, 074	
Dec. 31. Spanish loan.....	7, 500	
Farmers general of France.....	7, 840	
	<hr/>	384, 254

Domestic Debt.

1782. Dec. 31. Loan-office debt, 11,473,-		
802.26 at 6 per cent..	1,184,176	
Liquidated debt, 701,-		
404 do	21,042	
Army debt, 5,635,618		
do	676,272	
	<hr/>	
	1,881,490	
Deduct the requisition		
of September 4, 1782.	1,200,000	
	<hr/>	681,490
1783. Dec. 31. Loan-office debt	749,050	
Liquidated debt	42,084	
Unliquidated debt, esti-		
mated at 8 mill. dol-		
lars, suppose one third		
now liquidated	160,000	
Army debt	338,136	
	<hr/>	1,289,270
		<hr/>
Total		3,812,539.33

The committee were apprised that the resolutions of Congress of April the 18, 1783, had recommended to the several states the raising an annual revenue, for the purpose of discharging the principal and interest of the national debt, by the establishment of certain imposts, and providing supplementary funds for a given term of years, to be raised in such a way as they might judge most convenient: but it occurred to them, that those recommendations were still under suspense with several of the legislatures; some of them having as yet acceded to the impost only, and others decided neither on the impost nor supplementary funds: that however desirable a compliance therewith is, for the preservation of our faith, and establishment of a national credit, yet as time has already elapsed, and more must elapse before their final confirmation can be hoped, as, after it

shall be obtained, time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the mean while other measures should be resorted to for the purpose of discharging the growing interest.

In the statement of the interest due at the close of the year 1782, the committee have supposed its amount lessened by 1,200,000 dollars, required and apportioned by the resolution of Congress of September 4 and 10, 1782, and appropriated to the sole purpose of paying the interest of the public debt. This requisition gave license to the states, to apply so much as should be necessary of their respective quotas of it to the payment of interest due on certificates issued from the loan office of their own states, and other liquidated debts of the United States contracted therein. Hence they suppose it has happened, that the actual payments of these quotas, have been uncommunicated to the office of finance for the United States. The committee are of opinion, that the states should be desired to communicate to the Superintendent of finance, the payments they have made under this requisition, and where they have been incomplete, to hasten their completion, as the means still relied on by Congress for the discharge of that part of the interest of the public debt. And while on this subject, they beg leave to add, that from the representation to Congress by the Minister of France, referred to this committee, they learn that in some of the states, a discrimination has taken place between the citizens of their own, and subjects or citizens of other countries, which was not authorised by the said resolution. They are of opinion, that such states should be required to revise and reform their proceedings herein, and to extend the benefits, both past and future of this provision, equally and impartially to all persons within its description.

Your committee then came to consider in what way it would be best to call for the sums requisite for the services

before stated: and they thought it their duty in the first place to enquire, whether no surpluses might remain on former requisitions of Congress, after the purposes were effected to which they were originally appropriated; under an assurance that it would be both the duty and sense of Congress to apply such surpluses, in every instance, towards lessening the next requisitions on the states. They found in fact that such a surplus would remain on the requisition of October 30, 1781, for eight millions of dollars for the services of the ensuing year; and that this surplus would be great from the following circumstances: that requisition was estimated on supposition, that the continental army would be compleated by the states, to its full establishment; and that cloathing, subsistance and other necessaries for such an army, must of course be provided. The states were far short of producing such an army. Hence the calls for money were proportionally abridged. It was estimated too on the further supposition that we might be disappointed in the endeavours we were then exerting to borrow money, both at home and abroad, and of course that the whole must be supplied by taxes. Loans however were obtained, and the surplus increased by this second cause. A third circumstance has further enlarged it. The payments on this requisition have been small and slow. Hence, instead of money, those who served and supplied the United States have received certificates only that money is due to them, and these debts have been transferred to the fund proposed to be raised by way of impost: so that, though the debts exist, they are removed from this to another fund. To know then the amount of this surplus, the committee extended their enquiries to the sums actually received under this requisition, the purposes to which they have been applied, and the anticipations thereof still unsatisfied. They found that 1,486,511.71 only of the eight millions of dollars had been received at the treasury at

the close of the year 1783; that these had been applied to the services of the years 1782 and 1783, and that for other services of the same years, debts were contracted to the amount of about one million of dollars more, which depend for their discharge on further receipts under this requisition; a statement of the expenditures of which sums should be made out and forwarded to the legislatures of the several states. Your committee then are of opinion, that a surplus of 5,513,488.28 dollars will remain of this requisition, after answering all the demands which actually arose against it, which were not answered by other means, nor transferred to other funds; and that this surplus ought to be applied so far as it will go, to the common purposes of the United States, so as to prevent new requisitions on them till the old shall have been exhausted, and to shew to those who may have paid their whole quota of any requisition, that they will not be called on anew till all the other states shall in like manner have paid up their quotas.

Your committee found also that there was a requisition of Congress of October 16, 1782, for two millions of dollars for the services of the year 1783, on which some small payments had been tendered, but that the Superintendent of finance had found it better to receive and credit them as part of the eight millions. They are accordingly comprehended in the sum before stated to have been paid in under that head.

Having thus stated the demands existing against the states, the committee would have performed but half their duty, had they passed over, unnoticed, their condition to pay them. Their abilities must be measured in weighing their burthens. Their creditors themselves will view them just relieved from the ravages of predatory armies, returning from an attendance on camps, to the culture of their fields; beginning to sow, but not yet having reaped; exhausted of

necessaries and habitual comforts, and therefore needing new supplies out of the first proceeds of their labour. Forbearance then, to a certain degree, will suggest itself to them. Congress entrusted with the dispensation of justice between the public and its creditors, will suppose both parties desirous that their mutual situations should be considered and accommodated. Your committee are of opinion, that if the whole balances of the two requisitions of eight and of two millions, should be rigorously called into payment within the course of the present year, a compliance with such call would produce much distress; and that a proportion short of this should be fixed on, within the reach of the least as well as of the most able states. They propose therefore, that the states be required to furnish, within the course of the present year, such part of their deficiencies under the requisition of eight millions, as with their payments to the close of the last year, will make up one half of their original quota thereof. And that these payments be appropriated in conformity with the statement in the first part of this report, giving generally, where accommodation cannot be effected among the several objects, a preference according to the order in which they are arranged in the said statement.

But while this proportion of former deficiencies is of necessity called for, under the pressure of demands which will admit neither denial nor delay, and the punctual compliance of every State is expected, to enable the Federal administration with certainty to satisfy these demands, it is earnestly and warmly recommended to the abler states to go as far beyond this proportion in specie, as their happier situation will admit, under an assurance, that such further contributions will be applied towards discharging the public debt, agreeably to the preceding statement, and will be placed to their credit in the next requisitions, with interest thereon from the time of payment: and also that before any further

demand is made upon the states, under the requisition for two millions of dollars, or the requisition for eight millions of dollars, Congress will revise the quotas of the several states mentioned in the said requisitions respectively, and will make them agreeable to justice, upon the best information Congress may have when such demand is made. But as all our exertions will probably fall short of their full object, in that case it is believed, that the public creditors seeing the load of interest accumulated during the war, greater than can be discharged in the first year of peace, will be contented for the present, to receive the earlier part of these arrears, and to rely for the residue on the efforts of the ensuing year.

Individual states have at times thought it hard that while, in their own opinion, they were in advance for the United States on accounts existing and unsettled between them, they should yet be called on to furnish actual contributions of money. The committee observe in answer to this, first, that almost every State thinks itself in advance: And secondly, that it has been the constant wish of Congress that these accounts should be settled and the contributions of each be known and credited. They have accordingly taken measures, and will continue their endeavours to effect these settlements: And as a further encouragement to hasten this desirable work, the committee are of opinion, Congress should declare, that so soon as these accounts shall be settled, and it shall appear in favour of what states balances arise, such states shall have credit for the same in the requisitions next ensuing.

But it will be necessary to remind the states, that no materials have yet been furnished to enable Congress to adjust the ultimate ratio in which the expenditures of the late war shall be apportioned on the states. The Confederation directs that this shall be regulated by the value of the lands in the several states with the buildings and im-

provements thereon. Experiments made, however, since the date of that instrument, for the purposes of ordinary taxation, had induced doubts as to the practicability of this rule of apportionment; yet Congress thought it their duty to give it fair trial, and recommended to the several states on the 17th of February, 1783, to furnish an account of their lands, buildings and number of inhabitants, whereon they might proceed to estimate their respective quotas: but apprehending that the incompetence of the rule would immediately shew itself, and desirous that no time should be unnecessarily lost, they followed it with another recommendation of the 18th of April, 1783, to substitute in lieu of that article in the Confederation, another, which should make the *Number* of inhabitants, under certain modifications, the measure of contribution for each State. Both these propositions are still under reference to the several legislatures; the latter accompanied by the earnest wishes and preference of Congress, under full conviction that it will be found in event as equal, more satisfactory, and more easy of execution: The former only pressed if the other should be rejected. The committee are informed, that the states of Connecticut, New Jersey, Pennsylvania and South Carolina, have acceded to the alteration proposed; but have no evidence that the other states have as yet decided thereon. As it is necessary that the one or the other measure should be immediately resorted to, they are of opinion, it should be recommended to the legislatures which have not yet decided between them, to come to decision at their next meeting.

In order to present to the eye a general view of the several existing requisitions, and of the payments made under them, the committee has subjoined them in the form of a table, wherein the first column enumerates the states; the second the apportionment of the 1,200,000 dollars; the third that of

the eight millions; the fourth that of the two millions; the fifth the sums paid by the several states in part of their respective quotas to the last day of the year 1783; and the sixth the sums now required to make up one half of their respective quotas of the eight millions, expressed in dollars, tenths and hundredths of dollars.

[A Table of the several existing Requisitions, and of the Payments made under them.]

	Apportionment of the 1,200,000	Apportionment of the 8 millions.	Apportionment of the 2 millions.	Paid of the 8 mil. Dec. 31, 1783.	Sums now required to make ½ of the 8 mil.
New Hampshire,	48,000	373,598	80,000	3,000	183,799
Massachusetts,	192,000	1,307,596	320,000	247,676.66	406,121.34
Rhode Island,	28,800	216,684	48,000	67,847.95	40,491.05
Connecticut,	133,200	747,196	222,000	131,577.83	242,020.17
New York,	54,000	373,598	90,000	39,064.1	147,734.9
New Jersey,	66,000	485,679	110,000	102,004.95	140,834.55
Pensylvania,	180,000	1,120,794	300,000	346,632.98	213,764.02
Delaware,	16,800	112,085	28,000	-----	56,042.5
Maryland,	132,000	933,996	220,000	89,302.11	377,695.89
Virginia,	174,000	1,307,594	290,000	115,103.53	538,693.47
North Carolina,	88,800	622,677	148,000	-----	311,338.5
South Carolina,	72,000	373,598	120,000	344,301.57	-----
Georgia,	14,400	24,905	24,000	-----	12,452.5
	1,200,000	8,000,000	2,000,000	1,486,511.71	2,670,987.89

Resolved, That Congress agree to the said report.

On the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Roger] Sherman and Mr. [Elbridge] Gerry,

Resolved, That the Superintendant of finance be, and he hereby is directed to take order for the payment of three hundred and thirty-three dollars and one-third of a dollar, to the guardian of Hugh Mercer, son of the late General Mercer, for one year's education and board.¹

The Committee consisting of M^r [James] McHenry, M^r [Jacob] Read and M^r [Jeremiah Townley] Chase to whom was referred the account of M^r George Mann of the City of Annapolis tavern keeper for a public entertainment given by order of the United States in

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 19, IV, folio 57. The motion, in the writing of Jefferson, is on folio 59. It was seconded [David] Howell.

Congress assembled to the Commander in chief on the 22^d of December, 1783—Report:

~~That the entertainment was given to a very numerous assemblage of guests was exceedingly plentiful and the provisions and liquors good in their kind.~~

The Committee are therefore of opinion that an order do issue in favour of the said M^r George Mann for the sum of six hundred and sixty four dollars and $\frac{7}{10}$ of a Dollar in full of his said account.¹

WEDNESDAY, APRIL 28, 1784.

Congress assembled: Present, eleven states as yesterday.

The committee, consisting of Mr. [Jacob] Read, Mr. [John] Montgomery and Mr. [Thomas] Stone, to whom it was referred to take order upon the report of a committee of the 23 day of April instant, on the motion of Mr. [Jacob] Read of the 16 day of March last, Report, That in virtue of the said order of the United States in Congress assembled, your committee took measures, and have caused Henry Carbery, late a captain in the Pennsylvania line of Continental troops, in the said report mentioned, to be arrested and brought before the honorable Robert Goldsborough, one of the judges of the general court of the state of Maryland, for examination, and to be proceeded against according to law and justice. Your committee have caused to be laid before the said Judge, all such proofs and evidences of the nature and circumstances of the crime charged against the said Henry Carbery, as were on the files or in the possession of Congress. And your committee informed the said judge, that it was the sense of the United States in Congress assembled, that the said Henry Carbery, who is a fugitive from justice, ought to be tried according to the laws of Pennsylvania, in which state the offence charged against

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, IV, folio 3. The indorsement states that it was referred on this day, with the account, to the Superintendent of finance to take order. "Copies transmitted Acco^t enclosed deliv^d M^r Mann May the 13, 1784."

him was committed, and to the laws of which State he is amenable. Your committee recommend that the executive of the state of Maryland, be requested to take proper measures for the delivery of the body of the said Henry Carbery, to the executive of the state of Pennsylvania, or their order, that he may be dealt with according to law.

Resolved, That Congress agree to the said report.

Congress resumed the consideration of the report of the grand Committee, appointed to report the arrearages of interest, &c. and the paragraph respecting facilities as entered on the journal of the 5 of April, being amended as to the proportions therein expressed, so as to correspond with the report agreed to and passed yesterday.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Thomas] Stone, to refer the said paragraph as amended, to the Superintendant of finance to report; and on the question to agree to this, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	no	} no
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		
Partridge,	no		Mr. McHenry,	ay	} ay
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Jefferson,	no	} no
<i>Connecticut,</i>			Hardy,	ay	
Mr. Sherman,	no	} no	Mercer,	no	
Wadsworth,	no		<i>North Carolina,</i>		} *
<i>New York,</i>			Mr. Spaight,	ay	
Mr. De Witt,	no	} no	<i>South Carolina,</i>		
Paine,	no		Mr. Read,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	
Mr. Beatty,	no	} no			
Dick,	no				

So it passed in the negative.

The paragraph being further amended, to read as follows:

It remained lastly to consider, whether no facilities might be given to the payment of these sums by the several states. The committee observed, that of the purposes for which money is wanting, about three-fourths can be answered by nothing but money itself; but that the other fourth, consisting of interest on our domestic debt, may be effected by procuring a discount of the demand in the hands of the holders; an operation which will be shorter, and less impoverishing to the state. And however in times of greater plenty, the accuracy of fiscal administration might require all transactions to be in actual money, at the treasury itself; yet till our constituents shall have had some respite from their late difficulties, it behoves us to prefer their easement. The committee are therefore of opinion, that the several legislatures may be admitted so to model the collection of the sums now called for, that the three-fourths of any sum being paid in actual money, the other fourth may be discharged by procuring discounts of interest with our domestic creditors; always taking care that the collection of money shall proceed at least in threefold proportion with the operations of discount. And to ascertain the evidences of discount which shall be receivable in lieu of money, the holders of loan office certificates shall be at liberty to carry them to the office from which they issued; and the holders of certificates of other liquidated debts of the United States, to carry the same to the loan office of that state wherein the debt was contracted, and to have the interest due thereon, settled and certified to the last day of the year 1782: for which interest, the loan officer shall give a certificate in such form and under such cautions and instructions, as the Superintendent of finance shall transmit to him; which certificates of interest being parted with by the holder of the principal, shall be deemed evidence that he has received satisfaction

for the same, and therefore shall be receivable from the bearer, within the same state, and from the state when obtained from the bearer, in lieu of money in the proportion before stated; which payment in certificates by the State into the public treasury, in the proportion that each State avails itself of the facilities shall be considered as a discharge of so much of the interest due upon the domestic debt, so that the three-fourths or greater proportion, if any state should not avail itself of the facilities in the degree hereby admitted, paid in money, at the same time shall be applied, according to the above statement, giving preference to the discharge of the expences of internal government, and the interest due upon the foreign debt. And where loan office certificates, issued after the first day of March, 1778, shall be presented to the loan officer, they shall be reduced to their specie value, according to the resolutions of Congress of June 28, 1780, that specie value expressed on some part of the certificate, and the interest thereon settled and certified as in other cases.

Resolved, That Congress agree to the same.

The yeas and nays on the question having been required by Mr. [John] Beatty,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	ay	} ay	Mr. DeWitt,	ay	} ay
Blanchard,	ay		Paine,	ay	
<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Gerry,	ay	} ay	Mr. Beatty,	ay	} ay
Partridge,	ay		Dick,	ay	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Ellery,	ay	} ay	Mr. Mifflin,	ay	} ay
Howell,	ay		Montgomery,	ay	
<i>Connecticut,</i>			Hand,	ay	
Mr. Sherman,	ay	} ay			
Wadsworth,	ay				

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. McHenry,	ay	} ay	Mr. Spaight,	no	} *
Stone,	ay		<i>South Carolina,</i>		
<i>Virginia,</i>			Mr. Read,	no	} no
Mr. Jefferson,	ay	} ay	Beresford,	no	
Hardy,	ay				
Monroe,	ay				

So it was resolved in the affirmative.

On motion of Mr. [Edward] Hand, seconded by Mr. [James] McHenry,

Whereas by the ordinance for regulating the Post Office of the United States of America, passed the 18th day of October, 1782, it is ordained, that letters, packets and despatches to and from the Commander in chief of the armies of these United States, on public service, shall pass and be carried free of postage: And whereas there is reason to apprehend that the numerous letters and packets addressed to the late Commander in chief of the armies of these United States, in consequence of his late command, and on matters foreign to his private concerns, will subject him to an expence in postage, which it would be improper and unreasonable he should bear,

Resolved, That all letters and packets to and from the late Commander in chief of the armies of the United States, shall pass and be carried free of postage until the further orders of Congress: and that the postmaster general be, and he is hereby directed to refund to the said late Commander in chief, all the monies paid by him for the postage of letters or packets since the time of his resignation.¹

¹ This motion in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 36, II, folio 365.

THURSDAY, APRIL 29, 1784.

Congress assembled: Present, eleven states as before.

Congress took into consideration the report of a grand committee, to whom was referred the report of a committee on the subject of Western territory, and the following paragraph being under debate:

“Congress, by their resolution of September 6, 1780, having thought it adviseable to press upon the states having claims to the western country.”

A motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Richard] Beresford, to strike out the words “claims to the:” And on the question, shall those words stand the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} ay
Partridge,	ay		Mr. McHenry,	ay	
<i>Rhode Island,</i>			Stone,	ay	
Mr. Ellery,	ay	} ay	Chase,	ay	
Howell,	ay		<i>Virginia,</i>		} no
<i>Connecticut,</i>			Mr. Jefferson,	ay	
Mr. Sherman,	ay	} ay	Hardy,	no	
Wadsworth,	ay		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		} no
Mr. De Witt,	ay	} ay	Mr. Williamson,	no	
Paine,	ay		Spaight,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	ay	} ay	Mr. Read,	no	
Dick,	ay		Beresford,	no	

So it was resolved in the affirmative.

The report being amended, was agreed to as follows:

Congress, by their resolution of September 6, 1780, having thought it adviseable to press upon the states having

claims to the western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October, in the same year, having fixed conditions to which the Union should be bound on receiving such cessions: and having again proposed the same subject to those states, in their address of April 18, 1783, wherein, stating the national debt, ~~and its annual interest, they recommended for the discharge of the interest the plan of an impost on commerce now under consideration with the states, with such subsidiary funds as they might judge most convenient, and for the discharge of the principal,~~ and expressing ~~some~~ their reliance for its discharge, on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6, and of October the 10th, 1780; which several recommendations have not yet been fully complied with:

Resolved. That the same subject be again presented to the attention of the said states; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners; these several creditors have a right to ~~call for a precise designation of the funds~~ expect that funds shall be provided on which they ~~are to~~ may rely for indemnification;

That Congress still consider vacant territory as a capital resource; that this too is the time when our Confederacy, with all the territory included within its limits should assume its ultimate and permanent form; and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to remove those obstacles which disturb the harmony of the Union, which embarrass its councils and obstruct its operations.¹

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 144, folio 81. The indorsement shows that it was delivered March 22.

That Congress still consider vacant territory as an important resource: and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union.

[Motion of Mr Jacob Read, referred to Mr Jacob Read, Mr Elbridge Gerry, and Mr Edward Hand.]

Whereas George Washington, Esquire, in consequence of his having commanded in chief the armies of the United States of America in the late arduous war, is constantly visited by numbers of foreigners of distinction as well as by ~~all~~ most of such of the Citizens of America as pass through the state of Virginia, from a desire to pay their respects to so illustrious a character, whereby he is put to very great expences for support of his table and household ~~as well as for forage for the horses and provisions for the servants of such visitors.~~

And Congress conceiving it improper that a General who has so gloriously and disinterestedly led the forces of these United States should be put to an inconvenience or injured in his private fortune by being obliged to bear out of his own purse so great a charge as his late command now exposes him to,

Resolved, That the Superintendant of finance take order for paying to the drafts of George Washington, Esquire, five hundred dollars per month from the 1st day of January last past ~~as a support~~ until the further order of Congress.¹

FRIDAY, APRIL 30, 1784.

Congress assembled: Present, eleven states as before.

Congress took into consideration the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Jacob] Read, Mr. [Hugh] Williamson, Mr. [Jeremiah Townley] Chase and Mr. [Thomas] Jefferson, to whom were referred

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, VI, folio 467. It is undated.

sundry letters and papers relative to commercial matters, and the following paragraph being under debate:

The Committee to whom were referred sundry letters and papers relative to Commercial matters, submit the following circular letter and resolves:

The trust reposed in Congress renders it their duty to be attentive to the conduct of Foreign nations and to prevent or restrain as far as may be all such proceedings as might prove injurious to the United States.

The delicate situation of Commerce at this time claims the attention of the several States and it will be admitted that few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the fate of Commerce for it is the constant source of industry and wealth and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain attempted a monopoly which is destructive of our trade with her West India islands; there was reason to expect that a measure so unequal and so little calculated to promote mercantile intercourse would not be persevered in by an enlightened nation, but the measure seems to be growing into a system and if it should be attended with success there is too much reason to apprehend other nations might follow the example and the Commerce of America become the victim of illiberal policy.

It would have been the duty of Congress as it was their wish at an earlier period to have met the attempts of Great Britain with similar and adequate restrictions on her Commerce, but their powers on this head were not explicit and tho' they are not to suppose that a free people would be jealous of men whom they choose from year to year to consult and guard their interest yet it is with reluctance that Congress now make a proposition which may ~~seem to argue~~ be suspected to have originated in a desire of power, altho' the measures already adopted by the legislatures of the several states seem to render it their duty to take the general sense of the Union on this subject.

It will certainly be admitted that unless the United States can act as a nation and be regarded as such by foreign powers, and unless Congress for this purpose shall be vested with powers competent to the protection of Commerce they can never command reciprocal

advantages in trade and without such reciprocity our foreign Commerce must decline and eventually be annihilated.

That it be recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with a power to prohibit any goods, wares or merchandize from being imported into any of the states, except in vessels belonging to and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of Commerce.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone the consideration thereof, in order to take up the following:

That it be recommended to the legislatures of the several states, to ~~prohibit~~ restrain by imposts or prohibitions, any goods, wares or merchandize from being imported into them respectively, except in vessels belonging to and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of commerce, or the subjects of such foreign powers as may admit of a reciprocity in their trade with the citizens of these states. That it be recommended to the legislatures of the several states, to prohibit ~~for the term of ten years~~ the subjects of any foreign state, kingdom or empire, from importing into them respectively, any goods, wares or merchandize, unless such as are the produce or manufacture of that state, kingdom or empire, whose subjects they are.¹

That the United States may be enabled to secure such ~~advantages~~ ~~in the object~~ terms of equality in their Commerce with Foreign nations is the object of this address, and it will appear by the papers herewith transmitted that however desirous some of the states may be that further powers should be vested in Congress for the exter-

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 367. The vote is indorsed on the motion.

nal regulation of trade, much time and many valuable opportunities might be lost before any thing effective could be done considering the vague and different powers that are proposed to be given by different states. Hence it seems necessary that the states should be explicit and fix on some particular mode by which Foreign Commerce not founded on principles of reciprocity may be restrained. Imposts or duties have been the general instruments for effecting this purpose, but Congress have agreed to recommend another measure which is more simple, equally effective and may be less exceptionable. For this purpose they have,

Resolved, That it be recommended to the legislatures of the several states to vest the United States in Congress Assembled for the term of ——— years with power to prohibit any goods wares or merchandize from being imported into any of the states except in vessels belonging to and navigated by citizens of the United States or the subjects of Foreign powers with whom the United States may have treaties of Commerce.

Resolved, That it be recommended to the legislatures of the several states to vest the United States in Congress Assembled for the term of ——— years with the power of prohibiting the subjects of any Foreign State, kingdom or empire from importing into the United States, any goods, wares, or merchandize unless such as are the produce or manufacture of that state kingdom or empire whose subjects they are.¹

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire</i> ,				<i>Rhode Island</i> ,			
Mr. Foster,	no	} no		Mr. Ellery,	ay	} ay	
Blanchard,	no			Howell,	ay		
<i>Massachusetts</i> ,				<i>Connecticut</i> ,			
Mr. Gerry,	no	} no		Mr. Sherman,	no	} div.	
Partridge,	no			Wadsworth,	ay		

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 24, folio 99. According to the indorsement the committee was Mr. [Elbridge] Gerry, Mr. [Jacob] Read, Mr. [Hugh] Williamson, Mr. [Jeremiah Townley] Chase and Mr. [Thomas] Jefferson. This report was read April 22, made the order of the day for Monday, April 26, and passed April 30.

<i>New York,</i>				<i>Virginia,</i>		
Mr. De Witt,	no	}	no	Mr. Mercer,	no	}
Paine,	no			Monroe,	no	
<i>New Jersey,</i>				<i>North Carolina,</i>		
Mr. Beatty,	no	}	no	Mr. Williamson,	no	}
Dick,	no			Spaight,	no	
<i>Pennsylvania,</i>				<i>South Carolina,</i>		
Mr. Mifflin,	no	}	no	Mr. Read,	no	}
Montgomery,	no					
<i>Maryland,</i>						
Mr. Stone,	no	}	no			
Chase,	no					

So it passed in the negative.

The report being amended was agreed to as follows:

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States. The situation of Commerce at this time claims the attention of the several states, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the ~~state of Commerce~~ success thereof; for it is the constant source of wealth and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain adopted regulations destructive of our commerce with her West India islands. There was reason to expect that measures so unequal and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce; but their powers on this head are not explicit, and the ~~measures already adopted~~ propositions made by the legislatures of the several

states, ~~seem to~~ render it ~~their duty~~ necessary to take the general sense of the Union on this subject.

Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without ~~such reciprocity~~ these, our foreign commerce must decline, and eventually be annihilated. Hence it ~~seems~~ is necessary that the states should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of ~~reciprocity~~ equality, may be restrained.

That the United States may be enabled to secure such terms ~~of equality~~, they have

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandize from being imported into or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of Commerce.

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire, unless authorised by treaty, from importing into the United States any goods, wares or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Provided, That to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary.¹

The Committee, consisting of M^r [Jacob] Read, M^r [Elbridge] Gerry and Mr [Edward] Hand, to whom were referred the motion

¹ A printed copy of this Act, signed by Charles Thomson, is in the *Papers of the Continental Congress*, No. 49, folio 481.

of Mr [Jacob] Read of the 29th day of April Instant and the instructions to their Delegates in Congress from the State of Pennsylvania report

That it appears to your Committee that General George Washington, lately Commander in Chief of the Armies of the United States of America is in consequence of his late command exposed to very considerable extra table and household expences.

The Committee beg leave to observe that many foreigners of great distinction have already visited these States from a desire to become acquainted with a country and people rendered famous by the late arduous and glorious war, and to pay their respects to the illustrious character who led the arms of the Confederate States with so much honour to himself and advantage to the Union. That much greater numbers may continually be expected. That as well by these means as from the constant visits of the Citizens of the United States passing and repassing through the State of Virginia, as also of those persons who during the war were under the command of the General in the different departments of the Army and who are frequently necessitated to refer themselves to him for advice and assistance in the settlement of their affairs, the expences of the General's table and household must be increased beyond the compass of the fortune of any individual in these United States. Your Committee think it would reflect great discredit on the United States to suffer a General who has so gloriously and disinterestedly served them through a long and arduous war should be put to an inconvenience, or injured in his private fortune, by being obliged to bear out of his own purse so great an expenditure as he is at present subjected to. The Committee therefore recommend the following resolves: *Resolved*, That the Superintendent of finance pay to the drafts of George Washington Esquire late Commander in Chief of the Armies of the United States Ten thousand dollars per annum by quarterly payments to be accounted from the first day of January last past untill the further order of Congress. *Resolved*, That the President write a letter to the General inclosing a copy of the foregoing report and of these resolves, expressing the strongest wishes of the United States in Congress assembled that he will permit them to make the above provision for reimbursing the extra expences which he must necessarily incur in consequence of the dignified office and high command which he has lately sustained in the Service of the United States,

and informing him that Congress consider this as their indispensable duty and as an act of impartial justice due to the General.¹

[Report of M^r Thomas Jefferson, M^r Hugh Williamson, M^r David Howell, M^r Elbridge Gerry, M^r Jacob Read. An Ordinance for ascertaining the mode of locating and disposing of lands in the western territory.]

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, when the same shall have been purchased of the Indian inhabitants, and laid off into States, shall be disposed of in the following manner: it shall be divided into Hundreds of ten geographical miles square, each mile containing 6086 feet and four tenths of a foot, by lines to be run and marked due North and South, and others crossing these at right angles, the first of which lines each way shall be at ten miles distance from one of the corners of the State within which they shall be, but if the Indian purchase shall not have included any one of the corners of the State, the lines shall then be run at the termination of integral miles, as measured from some one of the corners, but shall be extended, by actual marks, only so far as the purchase extends. These Hundreds shall be subdivided into lots of one mile square each, or 850 acres and four tenths of an acre by marked lines running in like manner due North and South, and others crossing these at right angles.

For laying off the said territory, Surveyors shall be appointed by Congress, or the Committee of the States, who shall proceed forthwith, under the direction of the Register hereafter to be mentioned, to divide the same into hundreds, by lines in the directions, and at the intervals before mentioned, which lines shall be measured with a chain, shall be plainly marked by chaps or marks on the trees, and shall be exactly described on a plat whereon shall be noted, at their proper distances all water courses, mountains, and other remarkable and permanent things, over or near which such lines shall pass.

The Hundreds being laid off and marked, nine of them shall be assigned as a district to each surveyor, who shall then proceed to divide each Hundred of his district into lots as before directed, be-

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, VI, folio 469. See *ante* April 29. An extract from the instructions to the Pennsylvania delegates is on folio 465.

ginning with the Hundreds most in demand, and measuring, marking, and platting the said dividing lines thereof in the manner before directed for the Hundreds, save only that the lines of the lots shall be distinguished by a single mark on each tree, and those of the hundreds by three marks. And that the said lots may be capable of more accurate description and distinction from each other, those in every hundred shall be designated by the numbers in their order from 1 to 100, beginning at the northwestern lot of the Hundred and applying the numbers from 1 to 10 to the lots of the first row from West to East successively, those from 11 to 20 to the lots of the second row from west to east and so on; the Surveyors shall pay due and constant attention to the variation of the magnetic meridian, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the time of running the lines thereon noted.

A Register shall be appointed by Congress, for each of the States within which the said territory shall lie, who shall keep his Office within the said State, be resident at it himself, and provide a seal for authenticating its acts; to him returns shall be made, by the several Surveyors, on the last days of March and August in every year, of the plats of all lines, measured and marked by them in the preceding half year, to be by him collated, and reduced into a general map of the whole State for which he acts, he shall annually, to wit, on the first Monday in November of every year, deliver or cause to be delivered, to the Secretary of Congress, a copy of such portions of the said general map as shall have been formed, or further filled up, during the preceding year, retaining one in his own Office for the use thereof, he shall have power to suspend any Surveyor for negligence or malversation, making report thereof to Congress, or a Committee of the States, that they may direct a proper enquiry.

Each Register shall cause to be printed under such devices, difficult of imitation, as he shall think best, warrants each of which shall give right to one lot of a mile square described as before directed, and other warrants for each of the said States which shall give right, each of them, to one of the Hundreds of ten miles square as before described; these warrants shall have blanks for names and dates, shall be numbered and signed by the Register, sealed with the seal of his Office, and shall be cut with indentures from a book, the margin of which shall be numbered in correspondence with the

warrant cut therefrom, and shall be preserved in the Office as a further check, the said warrants shall be deposited in the Treasury of the United States, and the Treasurer thereon debited with them, from thence they shall be sent in such numbers as the Register issuing them shall direct, to the Commissioner of the Loan Office for the United States in each of the States within the Union, the Treasurer countersigning them on parting therewith, and having a credit duly entered in his own account with the United States, and a debit against the loan Officer, to whom they are sent.

Any person, chusing to become a purchaser of lands within the said territory and paying to the Treasurer, or Loan Officer, the sum of dollars, shall receive in lieu thereof one of the said smaller warrants entitling him to a lot, or paying dollars, shall receive in lieu thereof one of the said larger warrants, entitling him to a whole Hundred within the State from which the warrant issued; the Treasurer or Loan Officer inserting the name of the purchaser in the proper blank, filling up the date, and attesting the warrant by his own subscription. Loan Office certificates, reduced to their specie value by the scale of depreciation, or certificates of liquidated debts of the United States, shall be receivable for the said warrants in lieu of money; and evidences of military rights to lands, hereinafter to be described, shall be receivable instead of the price itself of so much land; these warrants shall pass ~~by descent or devise as real property~~ as lands, by descent or devise, but not by assignment nor by survivorship. The owner of any warrant proceeding to locate the same, shall deliver it to the Surveyor of the district, wherein his location is to be, describing to him the particular lot on which he places it, or the Hundred, if it be a warrant for a hundred, by a designation of some point, either natural or artificial, within the said lot or Hundred, so singular and certain as may be adapted to no other lot or Hundred, or by reference to the position of the Hundred, or number of the lot, which description the Surveyor shall immediately enter in a book well bound, with the date of the entry, describing the warrant located thereon by its number, date, signatures and name of the original owner, and leaving no blank space or leaf between that and the preceeding entry, nor any margin by its side. If the location be made before the lot or hundred be yet laid off by lines actually run and marked, the surveyor shall retain the warrant in his hands until the Hundred, if it be for a Hundred, or until all the lots of the

Hundred, if it be for a lot, shall be actually laid off by marked lines, and then, or at the time of the entry, if the lines were marked before the entry was made, having satisfied himself by proper evidence, or by his own inspection and examination, on what particular lot, or on what Hundred, the location is, and that there has been no previous location on the same, he shall give to the party a certificate, describing the lot or Hundred so specially as that it may be known from all others, by particular marks or circumstances, natural or artificial, by stating the order or position of the Hundred relatively to the boundaries of the State, and specifying the lot by its number, with which certificate he shall return the warrant also to the party, these being delivered to the Register, and the warrant examined, and found genuine by him, he shall give a receipt for the same, and in due time proceed to execute a grant of the land in the following form:

“A. B. register of the Land Office of the United States within the State of _____ to all to whom these presents shall come greeting. Know ye that for good considerations there is granted by the United States of America unto C. D. a certain lot [or Hundred of land as the case shall be, describing it from the certificate] within the said State of _____ to have and to hold the said lot [or Hundred] of land, with its appurtenances, to him the said C. D. and his heirs for ever. In witness whereof the said A. B. Register of the land office of the said State hath hereunto set his hand and caused the seal of his office to be affixed, this _____ day of _____ in the year _____ and of the independence of the United States the _____”—which grant shall be entered of record, at full length, in good well bound books to be provided for that purpose, at the expence of the United States, and kept by the Register, and being so entered, shall be certified to have been registered, and then be delivered to the party or his order, different lots, adjoining side by side within the same Hundred, may be included and passed by the same grant, but separate lots, and lots in different Hundreds, as also different Hundreds, shall be passed by different grants. No fractions of a lot shall be granted, unless where such fractions are occasioned by the boundary of the State, or of the Indian conveyance. Until a temporary government shall be established in any State according to the resolutions of Congress of April —, 1784 the lands therein shall pass in descent and dower, according to the customs known in the common law by the name of Gavelkind, and shall be transferrable by deed or will proved by two witnesses,

but so soon as a temporary government shall be so established, they shall become subject to the laws of the State, and shall never after in any case, revert to the United States. Where a grant shall be made out to the heir or devisee of the person in whose name the warrant was originally issued, he shall be named in the said grant as heir or devisee.

For preventing hasty and surreptitious titles, the Register shall execute no grant for lands until the warrant and certificate delivered him for the same shall have remained in his office months, at any time within which period any person claiming the same lands under a prior location, shall be at liberty to enter a caveat, with the register, against the execution of any grant to the other, setting forth in the entry a copy of the location under which himself claims. The Register shall thereupon issue a summons, reciting the entry made with him, and calling the defendant to appear at a certain time and place, in defence of his right, which summons being served, and the parties appearing, he shall refer the decision to three arbitrators to be chosen by them or if they cannot agree then to three intelligent, honest and indifferent persons to be named by himself, which arbitrators being first sworn to do justice between the parties according to the best of their knowledge and abilities, by the Register, who is hereby authorized to administer such oath, shall proceed thereon at such times and places as they shall appoint, giving notice thereof to the parties and their award being rendered, the Register shall execute a grant to the plaintiff or defendant, conformably therewith. The party whose location is annulled shall be authorized to receive again his warrant, and to locate it on other lands. If the defendant, being summoned, or the plaintiff fails to appear by himself or another before the Register on the day appointed, the Register may give a further day, or in his discretion may proceed on the evidence before him to execute a grant to the party having the right; if the defendant fails to appear, and there be no sufficient proof that the summons has been served, the Register shall issue a new summons, unless it shall be proved that he hath been sought at the usual place of his dwelling and hath not been found, in which case the summons shall be advertised three times in some gazette of the State wherein he then resides, or last was known to reside giving a new day of appearance, which shall not be within less than months after the date of the ~~last~~ third publication, and on his failing to appear at that day, the

Register shall proceed to decision, but in case of a decision against the defendant, where there was no actual service of the summons, he shall be allowed at any time within one year after such decision, a rehearing before arbitrators to be appointed and qualified as directed in the case of an appearance, but on such rehearing the mere right alone shall be tried.

The Register, together with the map before directed to be delivered annually to the Secretary of Congress, shall report a calender of all grants executed by him, stating in different columns thereof the date, grantee, quantity, how much of that was for military service, the hundred and lot.

The monies arising from the sale of warrants shall be applied to the sinking such part of the principal of the national debt as Congress shall from time to time direct, and to no other purpose whatsoever.

The Register before he enters on the duties of his office shall give such bond and security for the faithful discharge thereof as Congress or the Committee of the States shall approve, and shall be entitled to receive, for the execution of every grant dollar, for every lot the same shall contain, or dollars if it be for a whole hundred, which shall be paid at the time he receives the warrant and certificate, and shall be deemed satisfaction for all the services and expences of his office, except the purchase of books for registering grants and of the seal of his office.

Every Surveyor shall also, before he enters on the duties of his office, give such bond and security for the faithful discharge thereof as Congress, or the Committee of the States shall approve, and shall be entitled to receive for every lot located with him dollars and dollars for a whole hundred, which shall be paid at the time of location and shall be deemed satisfaction for all the services and expences of his office, but where he shall have admitted more locations than one on the same land, he shall restore the fees received from the party whose location shall be set aside.

A Surveyor desiring to locate lands for himself shall make such location with the Register.

And whereas Congress by their resolutions of Sept: 16, 1776, and Aug: 12, 1780, stipulated grants of land to the officers and souldiers who should engage in the service of the United States, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and souldiers as should be slain

by the enemy, in the following proportions, to wit to a Major General 1100 acres, to a Brigadier 850, to a Colonel 500, to a Lt Colonel 450, to a Major 400, to a Captain 300, to a Lieutenant 200, to an Ensign 150, and to a non commissioned officer or souldier 100. For complying therefore with such stipulation, and for ascertaining the evidence of rights accruing under the same which shall be receivable instead of money, it is ordained that the evidence to be required from commissioned officers shall be a certificate from the War Office of their rank and continuance in service to the end of the war; from non commissioned officers and souldiers, a certificate from the Captain of their company, countersigned by the officer who commanded their regiment at the time of their discharge, that they were enlisted into the service of the United States, during the war, and continued therein to the close of it, to wit to the day of 1783, and from the representatives of such officers and souldiers as were slain by the enemy, a certificate, from the same authority, of the rank or term of enlistment of the deceased and that he was slain by the enemy, together with satisfactory affidavits that they are his representatives, which evidences shall be receivable by the ~~treasurer~~ or Loan Officer of the United States in the State to the line of which he belonged, or by the Treasurer if he belonged to the line of no State, and on the warrant issued shall be an endorsement signed by the treasurer or loan officer declaring the proportion thereof which was satisfied by military service and in the same proportion shall all fees be abated to which that warrant would otherwise be subject. The proceedings on it in all other respects shall be the same as on a warrant issued wholly for money.

Saving and confirming always to all officers and souldiers entitled to lands on the northern side of the Ohio, by donation or bounty from the Commonwealth of Virginia, and to all persons claiming under them all rights to which they are so entitled by the laws of the said State and the acts of Congress accepting the cession of western territory from the said State.¹

Resolved, That the Superintendant of Finance pay the sum of ~~eighty~~ one hundred Dollars to Henry Gassaway for arresting Henry Carberry and for horse hire, and the expences of the said Henry

¹ This report, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 30, folios 59-65. The indorsement shows that it was read on this day, and Friday, May 7, assigned.

Gassaway and of John Door, who attended said Henry Gassaway by order of the Committee of Congress on that service.¹

MONDAY, MAY 3, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from the State of New Jersey, Mr. [Samuel] Dick.

On motion of Mr. [Thomas] Jefferson, seconded by Mr. [Richard Dobbs] Spaight,

Ordered, That all letters from the ministers of these United States in Europe, be considered, at all times, as under an injunction of secrecy, except as to such parts of them as Congress shall, by special permission, allow to be published or communicated.²

On the question to agree to this order, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	ay	} ay	Mr. De Witt,	ay	} ay
Blanchard,	ay		Paine,	ay	
<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Gerry,	ay	} ay	Mr. Dick,	ay	} *
Partridge,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Mifflin,	ay	} ay
Mr. Ellery,	ay	} div.	Montgomery,	ay	
Howell,	no		Hand,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Sherman,	ay	} ay	Mr. Stone,	ay	} ay
Wadsworth,	ay		Chase,	ay	

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 369. The indorsement states that it was made on this day, and referred to the Superintendent of Finance to take order.

On this, or an approximate date, a letter, dated New York, April 29, 1784, from Oliver Ellsworth and Richard Butler, was read. It is in No. 56, folio 105.

² This motion, in the writing of Thomas Jefferson, is in the *Papers of the Continental Congress*, No. 36, II, folio 371. The vote is indorsed on the motion.

<i>Virginia,</i>			<i>North Carolina,</i>			
Mr. Jefferson,	ay	} ay	Mr. Williamson,	ay	} ay	
Hardy,	ay		Spaight,	ay		
Mercer,	no		<i>South Carolina,</i>			} ay
Monroe,	ay		Mr. Read,	ay		
			Beresford,	ay		

So it was resolved in the affirmative.

On motion of the delegates of the State of South Carolina, in pursuance of instructions from their State,

Resolved, That the minister of the said United States, at the Court of Madrid, be, and he is hereby instructed to use his best endeavours, by a proper application in behalf of the State of South Carolina, to his Catholic Majesty, to obtain an adequate compensation to that State, for the service performed by the *South Carolina* frigate, in co-operating with the Spanish general and forces, in the expedition against, and reduction of Providence and the Bahama islands, in the year one thousand seven hundred and eighty-two; and that the said minister be further directed, to place such money as he shall obtain from the King of Spain, in proper hands, subject to the draft of the governor and commander in chief of the said State, for the use thereof, and to give to his said excellency the earliest intelligence of the success of his application.¹

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson and Mr. [Hugh] Williamson, to whom was referred a letter of 16 April last, from the Superintendent of finance, enclosing a letter of 26 December, and one of the 10th of January, from the Marquis de la Fayette, with sundry papers enclosed.

Resolved, That a letter be written by the President to the Marquis de la Fayette, expressing the high sense which

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 373.

Congress entertain of his important services, relative to the commerce of France and these United States, and particularly to free ports; that there is every reason to expect mutual and permanent advantages from these liberal measures adopted by his Most Christian Majesty, and that an extension thereof to his West India colonies will, in the opinion of Congress, increase those advantages and produce the most salutary effects.

Resolved, That a copy of a letter of the 29 of June last, from the Count de Vergennes, and one of the 9 of January last, from Mons. de Calonne, to the Marquis de la Fayette, respecting free ports in France, be entered on the Journal, and, when published, transmitted to the supreme executives of the several states.¹

The letters being translated are as follows:

VERSAILLES, 29 June, 1783.

SIR,—I have received the letter which you did me the honour to write on the 17 of this month. You desire to know what is meant by free port.

By this term, Sir, we mean a place to which all merchandizes as well foreign as domestic may be imported, and from which they may be freely exported. You will judge, Sir, by this definition, that all the merchandizes of the north, without exception, may be imported into L'Orient, and exported from it by the Americans. In a word, L'Orient will be reputed foreign with regard to France, as far as respects commerce. The prohibitions and duties upon foreign merchandizes will take effect only in case any person desires to introduce into the interior parts of the realm, the merchandizes subjected to the one or the other.

I have the honour, &c.

DE VERGENNES.

Mons. the Marquis de la FAYETTE.

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, IV, folio 427. The letter of the Superintendent of Finance is in No. 137, III, folio 523.

VERSAILLES, 9 January, 1784.

SIR,—I have communicated to the King the observations contained in the memoir which you transmitted to me, relative to the commerce of America, and those which you made at our last conference.

I am authorised to announce to you, that it is the intention of his Majesty to grant to the United States the ports of L'Orient and Bayonne as free ports, and besides these that of Dunkirk and that of Marseilles; the first of which enjoys absolute freedom, and the other is restrained in the exercise of that freedom only with regard to tobacco, which is there subjected to a duty. The Americans may from this moment send their vessels to those four ports, where they will not meet with any kind of difficulty. You may, if necessary, explain what is meant by *Free ports*, agreeably to the signification thereof given by Mons. de Vergennes, in his letter of the 29 of June last. The Americans will find, above all, at Dunkirk, all the facilities they can desire for the sale of their leaf tobacco, their rice, their timber and other merchandize, as well for the purchase of what they want, such as linens, woolens, brandy, &c. It is proposed to establish stores and magazines there, which shall be well supplied on terms very advantageous for their commerce. I have given orders to the Farmers general to treat in preference, and at a reasonable price for the purchase of the tobaccos of North America, and moreover the United States, will be as much favoured in France in matters of commerce, as any other nation. The complaints which they may make to you, or which Mr. Franklin, and the other American ministers, which I would be very glad to see, may transmit to me on their behalf, shall be examined with great attention, and government will not suffer them to experience any kind of vexations. Every possible precaution will also be taken to prevent the sending out bad merchandize, which if it has hitherto taken place, can only be attributed to the avarice of some merchants of the lowest order. I am going immediately to examine what relates to the customs and duties which hurt commerce. This is an important subject and requires great attention. In fine, Sir, you may rely, that I shall be always disposed, as well as Mons. the Marshal de Castries, and Mons. the Count de Vergennes, to receive and listen with attention to the

demands and further representations which you shall think proper to make in favour of the commerce of America.

I have the honor to be, &c.

DE CALONNE.

P. S. The ports of Bayonne and L'Orient will be made similar to that of Dunkirk, with regard to entire freedom.

Mons. the Marquis de la FAYETTE.¹

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [David] Howell and Mr. [Charles] De Witt, to whom was referred a memorial of the Rev. Mr. Israel Evans;

The Committee consisting of M^r [Edward] Hand, M^r [David] Howell and M^r [Charles] De Witt, to whom was referred a letter from the Rev^d M^r Israel Evans late Chaplain to the New Hampshire Brigade setting forth that he has not been settled with for the depreciation of his pay up to the 1st day of August 1780 and praying that the same may be adjusted, beg leave to observe that it has been the uniform practice of Congress to refer officers, as well of the line as of the staff who have served in the line of any state, to the legislatures of the States in whose lines they have respectively served, for an adjustment of their depreciation, your Committee therefore submit the following Resolution.

Resolved, That it be, and it hereby is recommended to the legislature of the State of New Hampshire, to make good to the Rev. Mr. Israel Evans, late chaplain to the brigade composed of the troops of that State, the depreciation of his pay up to the first day of August, 1780, in the same manner they have made good the depreciation of pay to the officers and soldiers of their line.²

On the report of the same committee, to whom was referred a memorial of Nicholas Schuyler, late a surgeon in Hazen's regiment;

The Committee consisting of M^r [Edward] Hand, M^r [David] Howell and M^r [Charles] De Witt, to whom was referred a memorial

¹ The proceedings, to this point, were entered also in the Secret Journal, Foreign Affairs.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, II, folio 231.

of Nicholas Schuyler late Surgeon in Hazens reg^t find that Doctor Schuyler, a native and inhabitant of the State of New York, has served first as a mate and afterwards as a Junior Surgeon in the General Hospital from the 1st day of Jan^r, 1777, to the 1st day of June, 1778, when he was appointed Surgeon in the regiment then commanded by Col. Moses Hazen, in which capacity he continued to the end of the late War.

Your Committee are of opinion that Doctor Schuyler's having been promoted from a Junior Hospital Surgeon to be a regimental Surgeon and his having continued to serve the U. States in that capacity, to the end of the late War, give him a just claim to the benefit extended to the Officers of the Gen^l Hospital by the Act of Congress of the 20th Feb^r 1782, ~~although his promotion took place previous to the 10th April, 1780.~~ They therefore submit the following Resolution:

Resolved, That it be, and it hereby is recommended to the legislature of the State of New York, to make good to Dr. Nicholas Schuyler, late surgeon of Hazen's regiment, ~~on account of the United States~~ the depreciation of his pay as an officer in the late general hospital, during the time he served in that capacity.¹

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Ephraim] Paine and Mr. [Arthur] Lee, to whom was referred a motion of Mr. [Ephraim] Paine;

Report that from the instructions of the Legislature of the State of New York to their Delegates in Congress it appears, that on the late invasion of the City of New York by the British forces, the bells were taken from the Churches, and other public edifices in that City and removed to New Jersey to prevent their falling into the hands of the enemy—

That from New Jersey the same bells were carried to the foundery erected by the U. S. at Carlisle in the State of Pennsylvania, where it is said they still remain. On which your Committee submit the following resolve.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, V, folio 315.

Resolved, That the commissary of military stores, or person having the care of the public stores at Carlisle, in Pennsylvania, be, and he is hereby directed to deliver to the order of the corporation of the city of New York, the bells which have been taken from the churches and other public edifices in the said city, if any such bells remain in his possession.¹

The Committee consisting of M^r [Jacob] Read M^r [Richard Dobbs] Spaight and M^r [James] Tilton, to whom was referred the report of a Committee of the 11th Feby, 1784, together with the Letter of the 16th January 1784, from the Superintendant of Finance, covering a letter of the 10th of December, 1783, from M^r David Sprout, Report,

That to lessen as much as possible the calamities of war to which the citizens of these United States in common with other nations are subject, and to procure for such Citizens, as may in case of future wars become Prisoners, every indulgence and assistance which from the Nature of their Situation can be extended to them, it is the duty of the United States in Congress assembled to take the most Effectual measures to insure the repayment of all such sums as may have been or hereafter may be really and bona fide advanced (except free and absolute donations) for the Cloathing and comfortable support and subsistance of such Persons as by the chance of war have been, or may hereafter become Prisoners in the hands of ~~the British~~ any Prince, Power, or State, whether such advances have been or may be made by Public authority, or by private persons, on the faith of the United States, or of any individual State, or whether voluntary or at the solicitation any officer of the United States, or any of them.

Your Committee therefore recommend the following Resolutions:

Resolved, That it be earnestly recommended to the several States as a point highly Essential to national Character and to the future safety and welfare of such of their Citizens as may become Prisoners by the chance of war to make speedy Payment of all such sums as may have been advanced for support of any of their respective Citizens on the faith of the Particular State and in Expectation of

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 20, I, folio 395.

a reimbursement from such State by any person or persons, whether such faith had been actually pledged by public authority or not.

Resolved, That the United States in Congress assembled will provide for the repayment of all such sums as have been advanced by any individual (and not intended as a free donation) for the Cloathing or support of any Citizens belonging to or of any marine Mariner or Soldier that has been made prisoner during the late war, cruising or sailing in Ships of war or merchant Ships under the Flag of these United States, or of any of them.

Resolved, That the Superintendent of the Finances of the United States take order for having the accounts of M^r David Sprout for advances made by him to Naval Prisoners audited, and when a charge appears to be proper only to be paid by an Individual State, that such accounts be transmitted to such State with the foregoing resolution and earnest recommendation of Congress that such State do satisfy and discharge the same.

Resolved, That where it is impossible to discriminate between the prisoners or to separate the charges, the said Superintendent of the Finances of the U. S. do issue to M^r David Sprout a certificate of the sums due for supplies of Cloathing, bedding and such other necessaries as he may have furnished, and the situation and circumstances of the Naval Prisoners that were in his Charge Warranted, which Certificate shall bear an Interest of six per Centum per annum, and shall be paid in like manner as other sums due from these United States for carrying on the war may or shall be paid.¹

[Motion of Delegates of Rhode Island]

On the application of M^r John Brown Merchant of Providence in the State of Rhode Island and Providence Plantations setting forth that a certain ship called the *Warren*, whereof he is owner and Pardon Sheldon of the same place is Captain is ~~now in Virginia taking in~~ bound up the Mediterranean on a Merchant's voyage and praying for Sea Letters to be granted him,

Resolved, That Sea Letters be granted for said Captain Pardon Sheldon, in the form following:

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, V, folio 383. The indorsement states that it was read on this day. See *ante*, February 6. The letter of the Superintendent of Finance is in No. 137, III, folio 427.

Most serene, serene, most puissant, puissant, high-illustrious, noble, honorable, venerable, wise and prudent, Emperors, Kings, Republics, Princes, Dukes, Earls, Barons, Lords, Burgomasters, Councillors, as also Judges Officers, Justiciaries and Regents of all the good cities and places, whether ecclesiastical or secular, who shall see these patents or hear them read,

We the U. S. in Congress Assembled, make known that Pardon Sheldon, Captain of the Ship called the *Warren* is a Citizen of the U. S. of America and that the Ship which he commands belongs to citizens of the said U. S. and as we wish to see the said Pardon Sheldon prosper in his lawful affairs; our prayer is to all the before mentioned and to each of them separately, where the said Pardon Sheldon shall arrive with his vessel and cargo, that they may please to receive him with goodness and treat him in a becoming manner, permitting him upon the usual tolls and expences in passing and repassing, to pass, navigate and frequent the ports, passes and territories to the end to transact his business, where and in what manner he shall judge proper, whereof we shall be willingly indebted.

In testimony whereof &c &c &c¹

[Mr. Elbridge Gerry's Motion.]

That each Person rec^d a passport shall pay _____ to the Secretary for Expences thereof and shall give Bond in the Penalty of _____ with one surety to return such passport into the Secretary's Office within 18 months from the Time of rec^d the same unless it shall appear by sufficient Evidence to have been unavoidably lost.

That the form of the passport be as follows vizt (here the form) to the Emperor of Morocco and the other Barbary Powers aforesaid with the request of Congress that he will direct his subjects not to molest any vessels so furnished with passports aforesaid. ~~during the Time mentioned in ye first resolve~~

That a copy of these resolves be sent to our Ministers Plenipo^s in Europe with some of the Passports to be transmitted if they shall judge it exped^t

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 32, folio 125. It was referred on this day, the indorsement states, to Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson and Mr. [Thomas] Stone, with the motion of Elbridge Gerry.

That until Treaties of Amity and Friendship shall be negotiated with the Emperor of Morocco and the other Barbary powers, and in consequence thereof regulations shall be adopted for Med. passes for vessels owned by the Citizens of these United States; that the Master of any such vessel may be furnished with an Instrument ~~in the following form~~ to be signed by the President, countersigned by the Secretary of Congress and sealed with the seal of the United States, numbered progressively and indented (be made out in the following form vizt; that a sufficient number of such instruments be transmitted to the several States.)¹

The agent of Marine to whom was referred the petition of the officers and mariners of the armed schooner *Franklin* begs leave to Report,

That the papers marked No. 1 & No 2. hereunto annexed contain copies of letters written by the honorable marine Committee on the twenty first day of March 1777.

That the annexed paper N^o 3 contains a copy of the account of Jonathan Glover mentioned in the said petition as the same was adjusted by Messrs. Smith & Storer.

That from the paper N^o 3 it appears that the net proceeds of the Ship *Hope* & Cargo was £54075.17.2 of which one sixth part is £9012.12.10—Wherefore if the twenty one persons on board the Said schooner *Franklin* were (as they might have been) entitled to thirty seven shares each share would be £243.11.8 &

That the said Petitioners acknowledge to have received £243. for each single share which was probably the amount thereof.

Marine office 23rd April 1784.²

¹ This motion, in the writing of Elbridge Gerry, except the part in parentheses which is in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 32, folio 123.

Committee Book, No. 186, states that it was made on this day, and referred, with the motion of the delegates of Rhode Island, to Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson, and Mr. [Thomas] Stone, who made a report May 15.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 541. The indorsement states that it was read this day.

On this day, as the indorsement states, was read a letter of March 21, from William Duer, and the inclosure a memorial of Henry Dulhire, a deputy of the Menonites. The letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 65, and the memorial on folio 69.

Also, a letter of 28 April from Cyrus Griffin, Judge of the Court of Appeals in cases of capture, asking for certain papers. It was "Ordered, That the papers

TUESDAY, MAY 4, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

On motion of Mr. [Edward] Hand, seconded by Mr. [John] Montgomery:

Whereas the supreme executive council of the State of Pennsylvania, have represented, that from the dispersed situation of the officers and soldiers of the late line of that State, it is found impracticable to appoint regimental agents to receive from the paymaster general the certificates for the arrears of pay due to the said officers and soldiers, agreeably to the resolution of the 3d day of November last, and requested that the appointment of Major Thomas B. Bowen and Captain Erkurius Beatty, who have been chosen by the officers of the line of Pennsylvania, to act as agents for the whole line of that State, may be confirmed.

Resolved, That the said appointment be, and it is hereby approved and confirmed.¹

WEDNESDAY, MAY 5, 1784.

Congress assembled: Present, eleven states as yesterday.

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [Richard Dobbs] Spaight,

mentioned be delivered agreeable to the within request, the person giving a receipt for the same." The letter is in No. 78, X, folio 467.

On this or an approximate date was read a letter of April 30, from David Howell inclosing one to him from Richard Dobbs Spaight. It is in No. 78, XII, folio 307.

This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 36, II, folio 377.

On this day, as the indorsement states, was read a letter of Joseph Carleton, dated April 26, 1784. It is in No. 60, folio 57.

That two commissioners be appointed for negotiating treaties of commerce, in addition to Mr. Adams, Mr. Franklin and Mr. Jay, now in Europe, to be chosen in such manner that the commercial interest of the different parts of the union may be equally attended to.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone that motion, in order to take into consideration the report of the committee on the reduction of the civil list, which is as follows:

The committee, consisting of Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry, Mr. [James] Tilton, Mr. [Thomas] Jefferson and Mr. [James] McHenry, appointed to consider what reductions may be made in the civil list, have agreed to the following resolutions:

That the following offices be discontinued, to wit: The chargé des affaires at the Court of Madrid, whose salary is 4444 dollars. Agent at the Hague, 920 dollars. Second under secretary of foreign affairs, 700 dollars. The Secretary of the war office, 1000 dollars. Agent of marine 1500 dollars. Paymaster, 1000 dollars. Commissary of prisoners, 1200 dollars. The assistant to the Superintendent of finance, 1850 dollars. Three clerks in the office of finance, meaning that three shall remain, 1500 dollars. One clerk to the Comptroller, 500 dollars. Two auditors, 2000 dollars. One Chaplain, 400 dollars. The establishment of a jail, 1338½ dollars; doorkeeper to Congress, 400 dollars, whereby an annual saving will accrue to the United States of 18,752½ dollars.

That the following salaries may be reduced, by taking from the allowances heretofore established, the following sums: The Superintendent of finance, 2000 dollars. The three foreign ministers each, 1111⅓ dollars, 3333⅓ dollars, whereby an annual saving will accrue to the United States

of 5333½ dollars: That instead of the annual salary heretofore allowed to the judges of the court of appeals, they be allowed, on every special occasion wherein they shall be called on, the sum of 14 dollars each for every day they shall sit in court, and the same for every day necessarily employed in travelling to and from court.

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	no	} no
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			Hand.	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. Stone,	no	
<i>Rhode Island,</i>			Chase,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} no
Howell,	ay		Mr. Hardy,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	ay	} ay	Lee,	no	} no
Wadsworth,	ay		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	no	} div.	Mr. Williamson,	no	
Paine,	ay			Spaight,	no
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	ay	} ay	Mr. Read,	no	
Dick,	ay			Beresford,	no

So the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the words, "two commissioners," and insert, "one commissioner:" and on the question to agree to this amendment, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	no	} no
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	} div.	<i>Maryland,</i>		} no
Partridge,	ay		Mr. Stone,	no	
<i>Rhode Island,</i>			Chase,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} no
Howell,	ay		Mr. Hardy,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	ay	} ay	Lee,	no	
Wadsworth,	ay		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		} no
Mr. De Witt,	ay	} div.	Mr. Williamson,	no	
Paine,	no			Spaight,	no
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	no	} div.	Mr. Read,	no	
Dick,	ay			Beresford,	no

So the question was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. [Samuel] Hardy,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} no	Mr. Mifflin,	ay	} ay
Blanchard,	no		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} div.	<i>Maryland,</i>		} ay
Partridge,	no		Mr. Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		} ay
Howell,	no		Mr. Hardy,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	no	} no	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} ay
Mr. De Witt,	no	} no	Mr. Williamson,	ay	
Paine,	no			Spaight,	ay
<i>New Jersey,</i>			<i>South Carolina,</i>		} ay
Mr. Beatty,	no	} no	Mr. Read,	ay	
Dick,	no			Beresford,	ay

So the question was lost.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [Thomas] Stone,

That one commissioner be appointed, in addition to Mr. Adams, Mr. Franklin and Mr. Jay, for the purpose of negotiating treaties of commerce.

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Beatty, to postpone that motion, in order to take up the following:

That the interests of the United States do not require that more than three ministers plenipotentiary should be supported in Europe, to negotiate treaties of commerce.

On this question the previous question was moved by the State of Virginia, seconded by the State of North Carolina; and on the question to agree to the previous question, the yeas and nays being required by Mr. [John] Beatty,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} ay
Partridge,	ay		Mr. Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		} ay
Howell,	no		Mr. Hardy,	ay	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	no	} no	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} ay
Mr. De Witt,	ay	} ay	Mr. Williamson,	ay	
Paine,	ay		Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		} ay
Mr. Beatty,	no	} div.	Mr. Read,	ay	
Dick,	ay		Beresford,	ay	

So it was resolved in the affirmative, and the motion was set aside.¹

¹ The proceedings for this day to this point were also entered in the Secret Journal, Foreign Affairs.

A motion was then made by Mr. [William] Ellery, seconded by Mr. [Roger] Sherman, to postpone the motion of Mr. [Samuel] Hardy, to take up a motion to the same effect, with one which was made by them, on the 27 of March last, and which was referred to a committee, and not yet reported on.

On this a question of order was moved, whether, when a motion has been made, and that motion has been referred to a committee, it be in order to make or to move to postpone, in order to take up a motion to the same effect, before the committee have reported or been discharged

The President determined it was not in order.

An appeal was made to the house by Mr. [William] Ellery, and on the question, shall the decision of the President be reversed; the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Montgomery,	no	} no
Blanchard,	ay		Hand,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} div.	Mr. Stone,	no	} no
Partridge,	no		Chase,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Hardy,	no	} no
Howell,	ay		Mercer,	no	
<i>Connecticut,</i>			Monroe,	no	
Mr. Sherman,	ay	} ay	<i>North Carolina,</i>		
Wadsworth,	ay		Mr. Williamson,	no	} no
<i>New York,</i>			Spaight,	no	
Mr. De Witt,	no	} no	<i>South Carolina,</i>		
Paine,	no		Mr. Read,	no	} no
<i>New Jersey,</i>			Beresford,	no	
Mr. Beatty,	ay	} ay			
Dick,	ay				

So the question was lost.

On the question, shall the proposition for which the motion is made to postpone, and which has been declared not to be in order, be entered on the Journal the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	no	} no
Blanchard,	ay		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} *
Partridge,	ay		Mr. Stone,	no	
<i>Rhode Island,</i>			Chase	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} no
Howell,	ay		Mr. Hardy,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	no	} div.	Monroe,	no	
Wadsworth,	ay		<i>North Carolina,</i>		} no
<i>New York,</i>			Mr. Williamson,	no	
Mr. De Witt,	no	} no	Spaight,	no	
Paine,	no		<i>South Carolina,</i>		} div.
<i>New Jersey,</i>			Mr. Read,	no	
Mr. Beatty,	no	} no	Beresford,	ay	
Dick,	no				

So the question was lost.

On the question to agree to the motion of Mr. [Samuel] Hardy, the yeas and nays being required by Mr. [John] Beatty,

<i>North Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	ay	} ay	Mr. Sherman,	no	} no
Blanchard,	ay		Wadsworth,	no	
<i>Massachusetts,</i>			<i>New York,</i>		} div.
Mr. Gerry,	ay	} ay	Mr. De Witt,	ay	
Partridge,	ay		Paine,	no	
<i>Rhode Island,</i>			<i>New Jersey,</i>		} no
Mr. Ellery,	no	} no	Mr. Beatty,	no	
Howell,	no		Dick,	no	

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} ay	Mr. Hardy,	ay	} ay
Montgomery,	ay		Mercer,	ay	
Hand,	ay		Monroe,	ay	
<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Stone,	ay	} ay	Mr. Williamson,	ay	} div.
Chase,	ay		Spaight,	no	
			<i>South Carolina,</i>		
			Mr. Read,	no	} div.
			Beresford,	ay	

So the question was lost.¹

The Committee, consisting of Mr [Jacob] Read, Mr [Elbridge] Gerry and Mr [Jonathan] Blanchard, to whom was referred the petition of Bodo Otto, report.

That the purport of the petition being principally to know when Congress will be able to pay the petitioner any thing on his half pay or Commutation as a surgeon in the hospital department cannot now be answered. The Committee therefore recommend that the petition be filed.²

The Committee consisting of Mr. [Jacob] Read, Mr. [Elbridge] Gerry and Mr. [Jonathan] Blanchard, to whom was referred the petition of John David Woelpper, formerly a Captain in the German Regiment and late of the Invalid Regiment in the barracks of Philadelphia,

Report, that the petition of John David Woelpper be referred to the Superintendent of the Finances of the United States who is directed to enquire into the facts stated in the said petition and if found to be true to give the petitioner, all the relief which the nature merit and circumstances of the case will admit, but that if the relief prayed for by the petitioner should not be found proper to be granted consistently with the general arrangement of affairs of the like nature, that in such case the said Superintendent of Finance do present to

¹ This vote was also recorded in the manuscript Secret Journal, Foreign Affairs.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, IV, folio 471. The indorsement states that it was read on this day. Otto's petition is in No. 42, VI, folio 81.

the petitioner the sum of three hundred dollars, as a relief in his present distressed situation.¹

THURSDAY, MAY 6, 1784.

Congress assembled: Present, eleven states as yesterday.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [David] Howell,

That from the first day of August next, the salary of a Minister of the United States at a foreign Court, shall not exceed 9000 dollars per annum.

A motion was made by Mr. [John] Beatty, seconded by Mr. [Roger] Sherman, to strike out 9000 and insert eight thousand: And on the question to agree to this, the yeas and nays being required by Mr. [John] Beatty,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	}	ay	Mr. Miffin,	ay	}	ay
Blanchard,	ay			Montgomery,	ay		
<i>Massachusetts,</i>				Hand,	ay		
Mr. Gerry,	ay	}	ay	<i>Maryland,</i>		}	no
Partridge,	ay			Mr. Stone,	no		
<i>Rhode Island,</i>				Chase,	no		
Mr. Ellery,	ay	}	ay	<i>Virginia,</i>		}	no
Howell,	ay			Mr. Hardy,	no		
<i>Connecticut,</i>				Mercer,	no		
Mr. Sherman,	ay	}	ay	Lee,	no		
Wadsworth,	ay			Monroe,	no		
<i>New York,</i>				<i>North Carolina,</i>		}	no
Mr. De Witt,	ay	}	ay	Mr. Williamson,	no		
Paine,	ay			Spaight,	no		
<i>New Jersey,</i>				<i>South Carolina,</i>		}	no
Mr. Beatty,	ay	}	ay	Mr. Read,	no		
Dick,	ay			Beresford,	no		

So it was resolved in the affirmative.

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, VI, folio 585. The indorsement states that it was read on this day. Woelpper's petition is in No. 42, VIII, folio 286.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} no
Partridge,	ay		Mr. Stone,	no	
<i>Rhode Island,</i>			Chase,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		} no
Howell,	ay		Mr. Hardy,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	ay	} ay	Lee,	no	
Wadsworth,	ay		Monroe,	no	
<i>New York,</i>			<i>North Carolina,</i>		} no
Mr. De Witt,	ay	} ay	Mr. Williamson,	no	
Paine,	ay			Spaight,	no
<i>New Jersey,</i>			<i>South Carolina,</i>		} no
Mr. Beatty,	ay	} ay	Mr. Read,	no	
Dick,	ay			Beresford,	no

There being only seven states in the affirmative,

A question was moved by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight,

Is the proposition on which the question was just taken for reducing the salaries of our foreign ministers from eleven thousand one hundred and eleven to eight thousand dollars per annum, for each minister, a proposition which requires the assent of nine states?¹

When this question was about to be put, the yeas and nays being required by Mr. [Richard Dobbs] Spaight, the determination thereof was postponed till to-morrow, by the State of New York.²

¹ This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 36, II, folio 385.

² To this point, the proceedings for the day were also entered in the manuscript Secret Journal, Foreign Affairs.

On motion of Mr. [Samuel] Hardy, seconded by Mr. [Elbridge] Gerry,

Resolved, That the President write to the supreme executive of the State of Delaware, informing them that there are subjects of considerable importance, which demand the immediate attendance of their delegates in Congress, which much necessarily be postponed unless they come forward without delay, Congress having determined to adjourn on the 3d day of June next.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Roger] Sherman, and Mr. [Samuel] Hardy, to whom was referred a memorial of Captain Peter Perit;

That it is represented by Captain Perit and the facts are supported by respectable evidence, that in April, 1776, said Perit having the command of a company in Coll. Webb's regiment at New York, was ordered by the Com^r in Chief to take command of the armed Sloop *Hester* with a detachment from the regiment. That he continued on board said Sloop from 24th April 'till the 24th of August when he was ordered with his detachment to join Col Knox's Artillery at Fort Washington, where he was made a prisoner on the reduction of the Post, suffering the loss of his accounts. That he continued in Captivity 'till Sept^r, 1778, when he was exchanged. That he has not during his captivity or since that time received any other wages than old Continental money at the nominal value. That neither himself nor his detachment have received any extra pay for their services on board the Armed vessel nor have his company received any pay from 16th Nov^r, 1776, to the 5th Jan^r, 1777, when they were exchanged. On which your Committee submit the following Resolves:

Resolved, That it be, and it hereby is recommended to the State of Connecticut, to make up to Peter Perit and Joseph Hull, lately officers in the service of the United States, the depreciation of pay according to their respective ranks, from the 16th day of November, 1776, to the time of their return from captivity, to be charged to account of the United States.

That in settling the accounts of Peter Perit and Joseph Hull, they be severally allowed one year's pay from the ~~_____ besides the year's pay to which he is entitled according to the Act of 22nd May, 1779, and that he also be allowed,~~ besides the pay to which he may be entitled according to the acts of the 24 of November, 1778, the 22 of May, 1779, and of the 26 May, 1781, on his return from captivity, he be allowed such extra pay for himself and party for the term of four months, in which they served on board the armed sloop *Hester*, as shall amount to the excess of pay in the sea service above that by land. That pay be also allowed for his company from the 16 of November, 1776, to the 7 January, 1777. And whereas the said P. Perit, has produced evidence that no extra pay has been allowed to his party in the first case, nor has any pay been made his company in the second, that he be allowed in consideration of the loss of his papers at the time he was taken prisoner, to confirm the several musters by his oath.¹

FRIDAY, MAY 7, 1784.

Congress assembled: Present, eleven states as yesterday.

The question being taken on the question which was yesterday postponed by the State of New York.

<i>New Hampshire,</i>				<i>Connecticut,</i>			
Mr. Foster,	no	} no		Mr. Sherman,	no	} no	
Blanchard,	no			Wadsworth,	no		
<i>Massachusetts,</i>				<i>New York,</i>			
Mr. Gerry,	no	} no		Mr. De Witt,	no	} div.	
Partridge,	no			Paine,	ay		
<i>Rhode Island,</i>				<i>New Jersey,</i>			
Mr. Ellery,	no	} no		Mr. Beatty,	no	} no	
Howell,	no			Dick,	no		

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folio 77. The words lined out so appear in the report and not in the Journal. Perit's Memorial, dated April 30, is on folio 79.

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	no	} no	Mr. Hardy,	ay	} div.
Montgomery,	no		Mercer,	ay	
Hand,	ay		Lee,	no	
<i>Maryland,</i>			Monroe,	no	
Mr. Stone,	no	} no	<i>North Carolina,</i>		} *
Chase,	no		Mr. Spaight,	ay	
			<i>South Carolina,</i>		} *
			Mr. Beresford,	no	

So it passed in the negative.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson, to reconsider the resolution passed yesterday, for restricting the salary of a foreign minister to the sum of eight thousand dollars, for the purpose of amending it, by changing eight into nine: And on the question to reconsider for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		} ay
Partridge,	ay		Mr. Stone,	ay	
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		} ay
Howell,	no		Mr. Hardy,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	no	} no	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		} ay
Mr. De Witt,	ay	} ay	Mr. Williamson,	ay	
Paine,	ay		Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		} ay
Mr. Beatty,	no	} no	Mr. Read,	ay	
Dick,	no		Mr. Beresford,	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson, to strike out the word "eight," and insert the word "nine:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] Wadsworth,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Mifflin,	ay	} ay
Blanchard,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Hand,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Partridge,	ay		Mr. Stone,	ay	} ay
<i>Rhode Island,</i>			Chase,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Hardy,	ay	} ay
<i>Connecticut,</i>			Mercer,	ay	
Mr. Sherman,	no	} no	Lee,	ay	
Wadsworth,	no		Monroe,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. De Witt,	ay	} ay	Mr. Williamson,	ay	} ay
Paine,	ay		Spaight,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Beatty,	no	} no	Mr. Read,	ay	} ay
Dick,	no		Beresford,	ay	

So it was resolved in the affirmative.

On the question to agree to the resolution as amended,

Resolved, That from the first day of August next, the salary of a Minister of the United States at a foreign court, shall not exceed nine thousand dollars per annum.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Hardy, that Congress proceed in the order of the day, to the election of Secretary for foreign Affairs.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone that business, in order to take up the following:

That from the first day of August next, the salary of a Secretary for foreign affairs, shall not exceed three thousand dollars per annum.

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Mifflin,	no	}
Blanchard,	no		Montgomery,	no	
<i>Massachusetts,</i>			Hand,	no	
Mr. Gerry,	no	}	<i>Maryland,</i>		
Partridge,	no		Mr. Stone,	no	}
<i>Rhode Island,</i>			Chase,	no	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Hardy,	no	}
<i>Connecticut,</i>			Mercer,	no	
Mr. Sherman,	ay	}	Monroe,	no	}
Wadsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Williamson,	no	}
Mr. De Witt,	no	}	Spaight,	no	
Paine,	no			<i>South Carolina,</i>	
<i>New Jersey,</i>			Mr. Read,	no	}
Mr. Beatty,	no	}	Beresford,	no	
Dick,	no				

So it passed in the negative.

Thereupon, Congress proceeded to the election, and being this day informed by a letter of the 9 of March last, from ~~the hon.~~ Dr. Franklin, that ~~the hon.~~ Mr. J. Jay, proposed to embark for America, in the month of April, and this information corresponding with the intelligence communicated to Congress by Mr. Jay himself, in his letters of last year, Mr. Jay was put in nomination; and, the ballots being taken,

~~The hon.~~ Mr. John Jay was elected Secretary for foreign affairs, having been previously nominated by Mr. [Elbridge] Gerry.

On motion of Mr. [Samuel] Hardy, seconded by Mr. [Elbridge] Gerry,

~~Resolved, That Congress proceed to the appointment of a minister plenipotentiary in the room of Mr. J. Jay, who has been appointed Secretary for foreign affairs. Congress accordingly proceeded to an~~

Resolved, That a minister plenipotentiary be appointed, in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of Commerce.

Congress proceeded to the election, and the ballots being taken, Mr. Thomas Jefferson was elected, having been previously nominated by Mr. [Samuel] Hardy.¹

An ordinance for ascertaining the mode of locating and disposing of lands in the west territory, and for other purposes therein mentioned, being reported by a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Hugh] Williamson, Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Jacob] Read, appointed for that purpose, was read a first time.

Ordered, That Monday' next be assigned for the second reading.

~~An ordinance for putting the Department of Finance into commission was read a first time.~~

~~*Ordered*, That Tuesday next be assigned for a second reading.~~

The grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jonathan] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to whom was referred a motion of the delegates of Massachu-

¹ To this point the proceedings for the day were also entered in the manuscript Secret Journal, Foreign Affairs.

setts, to revise the institution of the treasury department, and report such alterations as they may think proper, reported the draught of an ordinance, which was read a first time.

Ordered, That Tuesday next be assigned for a second reading.

On the report of the committee, to whom was re-committed their report on sundry letters from the ministers of the United States in Europe, Congress came to the following resolutions: ¹

Whereas instructions, bearing date the 29th day of October, 1783, were sent to the ministers plenipotentiary of the United States of America at the Court of Versailles empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the Commercial powers of Europe:

Resolved, That it will be advantageous to these United States to conclude such Treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated:

1. That each party shall have a right to carry their own produce, manufactures and merchandize, in their own bottoms to the ports of the other; and thence to take the produce and merchandize of the other, paying, in both cases, such duties only as are paid by the most favoured nation, freely where it is freely granted to

¹ Beginning with this paragraph, the proceedings for the rest of the day were entered only in the manuscript Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

such nation, or paying the compensation, where such nation does the same.¹

Motion of Mr. Gerry, 1784.

That each party shall have a right to carry their own produce, manufactures and merchandize in their own bottoms to the ports of the other; and thence to take the produce and merchandize of the other paying in both cases such duties only as shall consist with the most perfect reciprocity that is, that ~~we shall have a right they shall pay in our ports as high duties and impositions as we pay in theirs; or if this cannot be obtained then, that each party shall pay on its exports and im-ports to and from the ports of the other such duties only as are paid by the subjects thereof, or if this should fail, then such duties and impositions as are paid by the most favoured nation.~~

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a direct and a similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandize thereof to these states directly; and for these states to carry in their own bottoms their produce and merchandize to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation upon the principles of the federal Constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all

¹ The following, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 383:

fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be farther agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account, be deemed contraband, so as to induce confiscation and a loss of property to Individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the Captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage,

paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use, in the service of the Captors, the whole or any part of the Military Stores so detained, paying the owners the full value of the same to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, but shall be allowed to proceed on her voyage.

6. That in the same case, where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the Subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said port; and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well-grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved and thus stopped without sufficient cause.

7. That no rights be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; but where on the death of any person holding real estate within

the territories of one of the contracting parties, such real estate would by their laws descend on a Subject or Citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratifications.

9. That these instructions be considered as supplementary to those of October 29, 1783; and not as revoking, except where they contradict them. That where, in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only, and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which in their judgment will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of the treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the re-

gencies of Algiers, Tunis and Tripoly, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our ministers to be commissioned for treating with foreign nations make known to the emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shewn towards these states, and his readiness to enter into alliance with them. That the occupations of the war and distance of our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed. And that as to the expences of his minister, they do therein what is for the honor and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and Commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years.

~~The committee to whom was referred the within memorial of Lieutenant Colonel Henry B. Livingston submit the following resolution.~~

~~*Resolved*, That Lieutenant Colonel Henry B. Livingston shall not be affected by the resolution of Congress of the 31 of December, 1781, with respect to any rank or emolument that he might otherwise have been entitled to, he being then absent in Europe by special permission of Congress.~~

The Committee consisting of M^r [Roger] Sherman, M^r [John] Beaty and M^r [Samuel] Dicke, to whom was referred the memorial of L^t Colonel Henry B. Livingston of the 14th February, 1784, shewing that by permission of Congress in October 1779 he went to Europe with M^r Jay and was employed as his private secretary for

which he neither received nor asked any pay, that he was absent when the Resolution of Congress of the 31st December 1781 respecting the discharge of certain officers there in described, praying that he may not be affected by the said Resolution.

Submit the following resolution.

That ~~Lieutenant Colonel~~ Henry B. Livingston be entitled considered as being in service and Lt. Colonel in the pay of the United States ~~as Lieutenant Colonel~~ until the time he returned home from Europe any thing in the resolution of Congress of the 31st of December 1781 to the contrary notwithstanding.¹

The Com^{tee} of the week [Mr. Samuel Dick, Mr. Edward Hand and Mr. Jonathan Blanchard] report, that the application of Mr. Benjamin Harwood for pay, for signing Continental money be read in Congress.²

MONDAY, MAY 10, 1784.

Congress assembled: Present, eleven states as before.

The Committee of the Week [Mr. Samuel Dick, Mr. Edward Hand and Mr. Jonathan Blanchard] report on the Application of the Officers, Marines & Mariners lately on board the Continental Ship *Alliance* for prize money due be referred to the Agent of Marine to report.³

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 601. Committee Book, No. 186, says it was made on this day. The report stricken out is indorsed on the memorial and is in No. 42, IV, folio 350. See *ante*, March 31.

² This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 41, IV, folio 223. It was presented on this or an approximate date. The memorial, the indorsement states, was referred to Mr. [Edward] Hand, Mr. [Thomas] Stone and Mr. [Ephraim] Paine. See *post*, May 14, 1784. The memorial is on folio 220.

³ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 559. The indorsement indicates that it was presented this day.

On this day, as the indorsement indicates, a petition of Zebulon Butler and others was referred to Mr. [Thomas] Jefferson, Mr. [William] Ellery and Mr. [Hugh] Williamson. Committee Book, No. 186, shows that the committee was renewed May 28. The petition is in No. 42, I, folios 298-305.

Also, the remonstrance of Shearjashub Bourne, dated Annapolis, May 6, 1784, was ordered to be filed with the other papers relative to the case of the brig *Lusannah*. It is in No. 44, folio 233.

The Committee of the Week [Mr. Samuel Hardy, Mr. Hugh Williamson and Mr. Richard Dobbs Spaight] report that the memorial of Samuel Prentice late a Lieutenant Colonel in the Connecticut line be read in Congress.¹

[Motion of Delegates of New York, May 10th, 1784, referred to the Grand Committee of 27th March, 1784.]

M^r PRESIDENT.

I move that the allowance per Cent. given to the Continental receivers of taxes in the United States be abolished, and that a specific annual salary adequate to their respective services be allowed if in the opinion of Congress it shall be deemed necessary to continue such officers.²

The Committee of the week [Mr. Samuel Dick, Mr. Edward Hand and Mr. Jonathan Blanchard] report that the petition of John Franklin be read in Congress.³

Committee of the week [Mr. David Howell, Mr. James Monroe and Mr. Abiel Foster] to whom this petition [of Dirk Van Ingen] was referred report that it be read in Congress.⁴

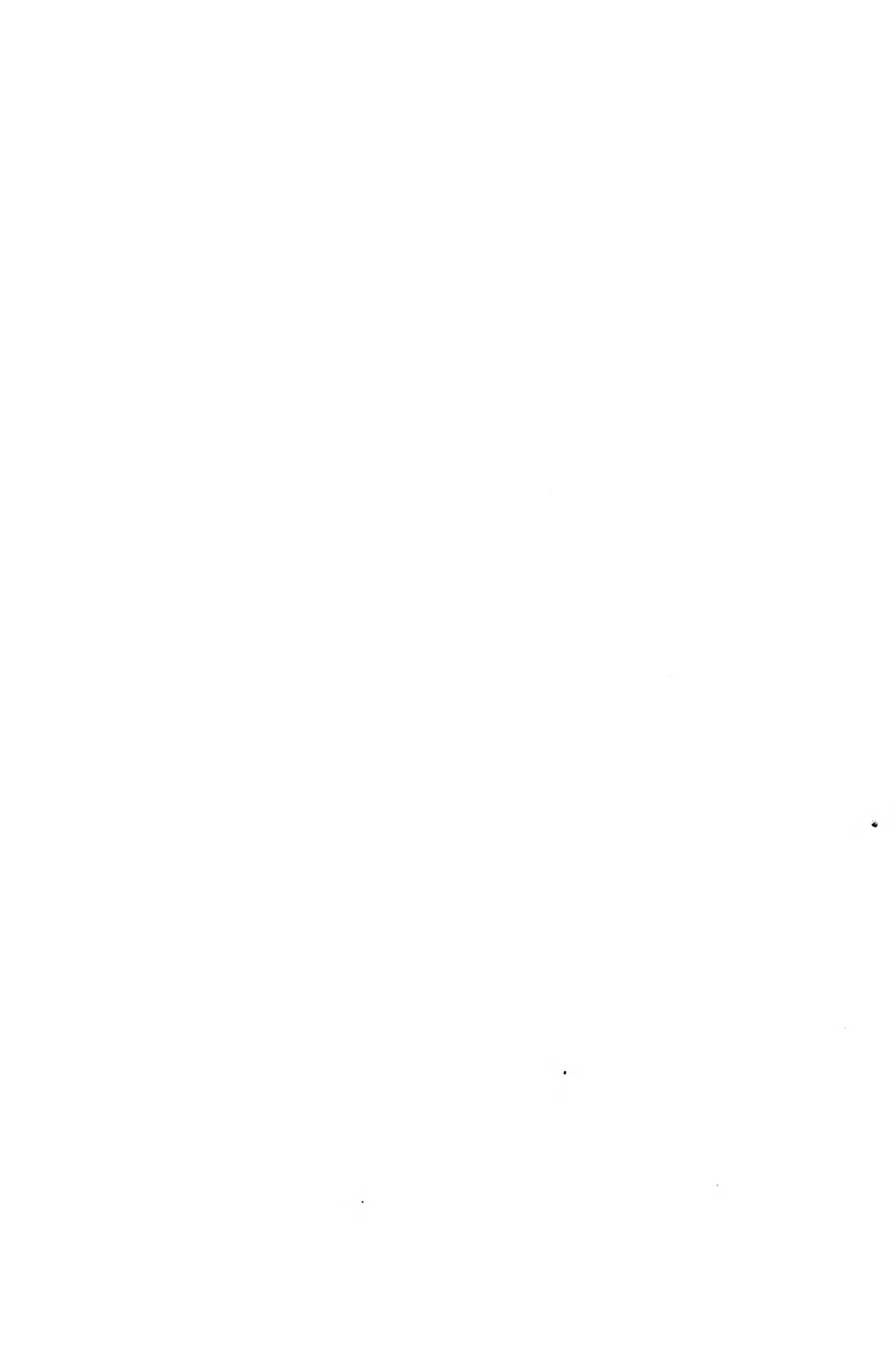
¹ This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 518. Prentiss's letter is on folio 517. The indorsement shows that it was referred on May 10, 1784, to Mr. [Edward] Hand, Mr. [Thomas] Stone and Mr. [Ephraim] Paine. A report was made May 18. See *post*, May 18.

² This report, in the writing of Charles De Witt, is in the *Papers of the Continental Congress*, No. 36, II, folio 381. See *post*, May 17.

³ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 42, III, folio 100. Franklin's petition, dated May 8, 1784, is on folio 97. It was referred to Mr. [Edward] Hand, Mr. [Roger] Sherman and Mr. [John] Beatty on this day. Committee Book, No. 186, says the Committee reported May 18.

On this day, as the indorsement states, was read a petition of officers and mariners belonging to the frigate *Alliance* and a copy transmitted to the Superintendent of Finance. It is in the *Papers of the Continental Congress*, No. 42, VI, folios 101-104.

⁴ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 54. Van Ingen's petition, dated Schenectady, February 12, 1784, is on folio 53. The petition, according to the indorsement, was read May 10, 1784. Despatch Book No. 185 states that the petition was received May 10. The committee of the week reported on this or an approximate date.



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